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CONSULTATION ON REFUGEE ADMISSIONS FOR FISCAL YEAR 1990

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

CONSULTATION ON REFUGEE ADMISSIONS FOR FISCAL YEAR 1990

SEPTEMBER 15, 1989

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CONSULTATION ON REFUGEE ADMISSIONS FOR FISCAL YEAR 1990

FRIDAY, SEPTEMBER 15, 1989

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 9:40 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Edward M. Kennedy presiding.

Also present: Senators Simpson, Metzenbaum, Grassley, Simon, and Specter.

OPENING STATEMENT OF SENATOR KENNEDY

Senator KENNEDY. We will come to order. The committee meets once again this morning, the 10th occasion over the past decade, to consult with the President's representatives on the admission of refugees to our country, as required by the Refugee Act of 1980. We will review as well the many refugee and humanitarian problems we face around the world which pose serious and important challenges to our Nation's foreign policy.

Never in recent years has the number of refugees seeking shelter and protection been greater, nor have the root causes of the problem been more complex or international in scope, than it is today where an estimated 13 to 14 million refugees have sought shelter in every region of the globe. And never since the passage of the Refugee Act have the choices in the program been more difficult or the budget more limited.

Daily, we see their tired, weary, and beleaguered images of men, women and children fleeing their homes and lands for all the reasons that lie behind the violence and conflict that persist among peoples and nations. Refugees have almost become a permanent feature of the world's landscape.

As in the past, refugees are of concern to the American people not only because of our Nation's and long and proud tradition of humanitarian concern, but because they also represent critical international and foreign policy problems. We know from recent history that massive refugee movements can unbalance peace and stability in the world as much as any arms race or political or military confrontation.

For both humanitarian and foreign policy reasons, we must help relieve the plight of refugees. That is why this committee takes seriously its mandate under the law to annually review our worldwide refugee programs, and the challenges we face have rarely

been greater, not only because of the escalating needs in the field, but because of unprecedented budget constraints here at home.

Not too long ago when we faced a refugee emergency, we could respond through emergency appropriations, obtaining supplemental funds based solely upon the genuine needs of refugees. Today, because of rigid budgetary structures and ceilings, new humanitarian needs in one area of the world are pitted against equally urgent needs in other areas.

For those of us who care deeply about helping refugees, this imposes some difficult choices, and the need to balance carefully and wisely our different refugee programs to assure that what we do in resettling refugees here does not reduce our ability to assist starving refugees overseas.

From Indochina to Afghanistan to Africa and Central America, as well as the Soviet Union and Eastern Europe, the flow of refugees grows, and the complexity of the problems we face is all the more difficult.

So we want to welcome the administration's witnesses who will present the President's proposal on refugee admissions for 1990 and review with us our worldwide effort on behalf of refugees.

As I have noted previously during these consultations, the United States has a critical role to play in helping refugees. Literally millions of lives are at risk and the leadership of our country has never been more essential in marshalling the resources of the world community which, in the end, will make all the difference to our fellow human beings in so many distant lands.

Senator Simpson.

OPENING STATEMENT OF SENATOR SIMPSON

Senator SIMPSON. Mr. Chairman, I do appreciate it, and thank you for going forward with this. It is a pleasure to serve on this subcommittee with you and Senator Simon. We all know by now, whether we are dealing with illegal immigration or legal immigration or refugees or economic migrants, or EVD'ers, or special entrants, or whatever, that it is confounding to the public and to the media.

It is a ghastly thing to pick up a major newspaper and see an article that starts out talking about refugees and uses the term "immigrant" before it gets to the end, or starting with an article that talks about immigrants and ends up using "refugees" as an interchangeable term. It is a disservice to the public.

Somebody has got to start telling the reality of what it is we are doing. Ted Kennedy does a good job of that. He put together the Refugee Act. Well, I have been through ten of these now since the Refugee Act became law. I participated in all those conferences, including an informal consultation with George Shultz in 1988.

I am very pleased to have Deputy Secretary Eagleburger and Ambassador Lafontant here to consult this morning. I must say, however, in view of the nature of the situation worldwide and what is going to happen with us in the United States as the focal point, that I am very disappointed that we have difficulty in getting the statutorily required, "Cabinet level representatives," here. I think that is wrong. I am going to express that in the most clear terms I

can, and that has no reflection on you remarkable people who are here.

But our job is to deal with the Cabinet people. That is what it says in the statute, and we deserve that, and the country deserves it because we are diddling around in this area selecting foreign policy refugees that have nothing to do with the definition of "refugee," in the statute or the U.N. or the U.S. definition of "refugee." So let us begin to all do our work together. It is not partisan; it is simply important—a strange thing around this town.

I think the State Department ought to be paying careful attention because earlier in this decade, the refugee program ate up 20 percent of its budget. I pointed that out to my good friend, George Shultz, and that seemed to catch his attention, and he participated in every subsequent consultation during the balance of his remarkable service here in Washington. Now, I will have to call on my friend, Jim Baker, and share that same information with him. It is a big ticket item; it is going to get a lot bigger ticket.

So our annual expenditure for refugee assistance and resettlement is nearly $750 million. We have seen some extraordinary developments in the Soviet Union and Eastern Europe since the last consultation, and I want to take this opportunity to express my support of the position of the Department of State and the Department of Justice in requiring a case-by-case adjudication of all refugee applications.

A blanket status, a presumptive status, is respectfully referred to by me as absurd. If any Member wishes to know more about that, they should receive some briefings from the FBI. What do you think will occur in a flow that is presumptive without checking on people as to who they are? What a place to load the system. I urge my colleagues, if they wish to find out more about that, to request that briefing with a member of the Intelligence Committee present. I think it would be quite intriguing.

So, that is just what we intended to do when I first came here when we passed the Refugee Act; that is what Senator Kennedy was doing: case-by-case adjudication of these people. No more country-specific action, no more of that kind of thing. We had strayed from that requirement, but I am gratified that we are now following the policy of admitting as refugees those who qualify as refugees.

While the proposed refugee admissions for fiscal year 1990 are many times that anticipated by the Refugee Act, I can certainly recognize that these are unusual and remarkable times. I am willing to accept a high number if there is, indeed, that number of true refugees in whom we have a "special humanitarian concern"—that is part of it, too; that is in the language of the law—and if we have funds to pay for them, and to do our share in assisting refugees abroad.

What I cannot support is a gimmicking of the system to admit people as refugees, with all of the refugee benefits, if they are not truly persons fleeing persecution. If they come under parole, it gets them no benefits; or if they come under immigration, it gets them no benefits, and that is why they don't come under those systems.

So when we have millions of immigrants who are entitled to come to the United States who have to wait patiently in line for

many years just to even link up with their spouses and children, it is unconscionable to me to jump to the head of the line persons who are not refugees—not to mention providing them all with the benefits they receive which immigrants do not receive.

Then we had better take a close look at what we do when it costs $7,000 to $8,000 to settle a refugee in the United States when, for 39 cents or 89 cents a day, we could take care of people over there in the refugee camps operated by the United Nations. What are we doing?

Well, I look forward to the testimony and trust that you will share your views; I know you will. I would like to hear from Secretary Eagleburger about his views of the Paris Conference on Cambodia, whether it was successful, as well as progress in the Comprehensive Plan of Action adopted at the Geneva conference.

And I want to particularly welcome Ambassador Lafontant in her first appearance before this committee as U.S. Coordinator of Refugee Affairs, and compliment you on the way you have immersed yourself in the subject. You jumped in and got wet all over. I think that is great, and thank you.

Ambassador LAFONTANT. I am glad you noticed.

Senator SIMPSON. Thank you very much, Mr. Chairman.

Senator KENNEDY. Thank you very much.

Senator Simon.

OPENING STATEMENT OF SENATOR SIMON

Senator SIMON. Thank you, Mr. Chairman.

This is the smallest subcommittee in the U.S. Senate. It is the smallest subcommittee because there is not a great demand to get on this subcommittee with all its complications. And I am the junior member of the firm of Kennedy, Simpson, and Simon, though I am pleased to say in this firm I get the same pay as the senior members of the firm. [Laughter.]

I join in welcoming both Ambassador Lafontant, who is from Illinois, and Ambassador Lyman, whom I saw in action in Nigeria. Let me comment specifically on the situation regarding the Soviet refugees, and unfortunately, because I am going to have to be on the floor some, I am going to have to be in and out of this hearing.

One is I think we ought to be processing these people in Italy just as quickly as we can. People shouldn't have to live in limbo. Now, where there are security questions, as Senator Simpson has suggested, that is a different question, but that is a small minority of those numbers. These people ought to be processed quickly.

Second, I happen to be one who agrees with the idea of doing the processing in Moscow. I do think that 2 weeks' notice to shift is not probably realistic. If you take a look at our amnesty program, we had a 6-month notice to INS and we had an inability to communicate. I am concerned about how we get the word out if we just have a 2-week notice.

And in this new atmosphere, I would hope also we could get some voluntary agencies to be in Moscow. And maybe this has been looked at, but groups like the Hebrew Immigration Aid Society, if they could have a few members of their organization there in

Moscow to be of assistance, I think that would be of substantial help.

These are very practical things I hope I will get a chance to ask about, but if I get tied up on the floor, I hope they will be addressed in one way or another. And while I welcome the other two, Secretary Eagleburger is a longtime veteran here and it is always good to see him here, too.

Thank you, Mr. Chairman.

Senator KENNEDY. Thank you very much, Senator Simon.

We want to extend a very warm welcome to Ambassador Lafontant and Larry Eagleburger. We are very appreciative of both their presence and willingness to deal with some of these issues.

We do want to underline what Senator Simpson has pointed out in terms of the consultation process. We welcome our three distinguished visitors, but in the past during previous administrations the consultation has been held at the Secretary level.

We heard the other day during the drug hearings that General Thornburgh believed he was going to be in charge of the refugee program. Obviously, when you come to the legal aspects and the Immigration Service, they are under the Justice Department and under his tenureship.

But there is obviously a broad range of different issues in foreign policy in Cambodian, Nicaraguan, and Salvadoran refugees, and what is happening in the Horn of Africa and Soviet Jews, which are foreign policy questions. So we have been, in the past, dealing with the Secretary of State.

As the Judiciary Committee, we always are interested and have great respect for the Attorney General's role and what is happening in that department. But we were hopeful that Secretary Baker was going to be able to make it, and we regret that it was not possible, even though this had been scheduled over a long period of time.

But we welcome very much Secretary Eagleburger and Ambassador Lafontant, and we look forward to your testimony, and Ambassador Lyman as well; we are very glad to have you here and we appreciate your presence.

Secretary Eagleburger.

STATEMENT OF A PANEL CONSISTING OF LAWRENCE S. EAGLEBURGER, DEPUTY SECRETARY OF STATE, DEPARTMENT OF STATE; AND JEWEL S. LAFONTANT, U.S. COORDINATOR OF REFUGEE AFFAIRS, ACCOMPANIED BY PRINCETON N. LYMAN, DIRECTOR, BUREAU FOR REFUGEE PROGRAMS, DEPARTMENT OF STATE, PHILIP A. HOLMAN, ACTING DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, FAMILY SUPPORT ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND JAMES L. BUCK, ACTING COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, U.S. DEPARTMENT OF JUSTICE

Mr. EAGLEBURGER. Thank you, Mr. Chairman. I am pleased to be here this morning to represent the State Department, and let me say to all of you on the subcommittee that I am fully aware that my appearance here today does not meet the statutory obligation

to have a Cabinet officer involved in these consultations, and one will be forthcoming.

I am reminded in the State Department every day by any number of people that I don't substitute for the Secretary of State.

I would like to keep my opening statement brief in order to ensure that there is ample time for questions. I have with me Ambassador Lafontant, the U.S. Coordinator for Refugee Affairs, and Ambassador Lyman, the new Director of the State Department's Bureau for Refugee Programs. When I finish my statement, Ambassador Lafontant would like to say a few words as well.

PRESIDENT'S RECOMMENDATION

For fiscal year 1990, the President is recommending the admission of up to 125,000 refugees. That ceiling includes the subceiling for the following refugee groups of special humanitarian concern to the United States: 3,000 refugees from Africa; 25,000 from first asylum countries in East Asia; 26,500 from Vietnam through the Orderly Departure Program, including Amerasian immigrants; 50,000 from the Soviet Union; 6,500 from Eastern Europe; 3,500 from Latin America and the Caribbean; 6,500 from the Near East and South Asia; and 4,000 unallocated privately funded.

Of the total proposed admissions number of 125,000, 14,000 are to be privately funded, including 10,000 from the Soviet Union.

I plan to concentrate on two subjects of particular concern to this administration's foreign policy: Indochinese asylum seekers and Soviet emigration. As is apparent from the President's proposal for refugee admissions, the situation in these two regions is creating the greatest demands on our refugee policies and on our resources.

REFUGEES AND FOREIGN POLICY

Before turning to these issues, however, I would like to say a word about how our refugee programs relate to U.S. foreign policy. Refugees result from government oppression. One of the fundamental goals of U.S. foreign policy is to promote democratic values, human rights, and individual freedoms throughout the world.

In every country where we identify a refugee problem, our first effort is to seek political change in that country so as to guarantee the respect for and protection of universally recognized human rights.

The ideal solution for any refugee situation is that the conditions which cause the refugees to flee be brought to an end. If and when political developments make it possible, refugees who have not been permanently resettled should return voluntarily to their homelands. To reconstruct a life in one's own land with one's own language and culture is, for the great majority, a far more humane solution than to become an outsider in a foreign land, however hospitable it may be.

Our humanitarian dilemma in responding to refugee situations lies in the uncertainty of the timeframe in which political change will make the voluntary repatriation solution possible.

We have had great hopes for the Afghans, for example. Yet, the fighting in their homeland continues and the refugees remain in Pakistan and other neighboring countries. We have hopes for the

Central American peace accord so that Nicaraguans can return home in peace and safety.

We hope that the recent repatriation to Namibia will be part of the successful birth of a new nation founded on democratic principles. We hope that a way to a peaceful future can be found for Cambodia, and we hope that political change in Poland and Hungary will remove those nations from their long-held position on the list of refugee-producing countries. Almost all the world's refugees and displaced persons are thus caught in limbo until such major political change occurs.

The task facing the U.S. Government and the American people is to respond with our advocacy, with our leadership, and with our available resources to work toward the desired political change and, in the interim, to sustain the life and welfare of the refugees.

Within this context, we must acknowledge that our refugee admissions program, which is separate from and in additional to the normal U.S. immigration program, gives a small minority of the world's refugees the extraordinary opportunity to become Americans.

Yet, here, too, we are presented with a dilemma. To some degree, it is the very promise of America that causes people to seek to leave their countries in search of the freedom and better life which America represents. We therefore must not create false expectations that are beyond our capacity to fulfill, lest we cause people to abandon their homes only to be left again in limbo without any place to go. Moreover, as stated in the Refugee Act of 1980, we must encourage other nations to do their share in providing assistance and resettlement opportunities.

Let me now turn to the two most prominent refugee-producing countries, Vietnam and the Union of Soviet Socialist Republics. Since 1975, over 1.5 million Vietnamese have been resettled in third countries, 900,000 of them in the United States alone.

VIETNAMESE REFUGEES

Not only has the flow of Vietnamese asylum seekers continued for 14 years, it has increased in the past 2 years. The enormous pressure that this has placed on the countries in the region led to their call for the International Conference on Indochinese Refugees that I attended in Geneva this past June. The principles endorsed by that conference, as set forth in the document called the Comprehensive Plan of Action, are of critical importance and can be summarized briefly.

First, in order for there to be a truly viable alternative to clandestine flight, Vietnam must allow the legal emigration of all persons eligible for resettlement country programs.

Second, nations in the region must allow asylum seekers to arrive safely and must treat them humanely. Third—and this point is essential for our discussion today—there must be a legitimate process, in full compliance with international standards, to determine who is a bona fide refugee. In other words, the era of automatic resettlement for anyone who leaves Vietnam is over.

Persons determined not to be bona fide refugees will not be resettled. Instead, they will be offered voluntary repatriation under a

program administered by the United Nations High Commissioner for Refugees.

For the U.S. admissions program, there are two key elements in the Comprehensive Plan of Action, one short term, one long term. In the short term, we have made a commitment to join a multilateral 3-year effort to resettle all of the Vietnamese asylum seekers who had arrived in first asylum countries prior to the agreed cut-off dates. The U.S. share will be some 22,000 out of a total population of approximately 55,000, or 40 percent.

I am pleased to report that our embassies, INS offices, and voluntary agency partners in the region are already vigorously at work to achieve half of the total U.S. offtake commitment in the first year.

The United States is also committed to resettle our share of the new arrivals who are determined to be bona fide refugees.

The long-term goal is to expand and improve our Orderly Departure Program so that Vietnamese qualified for U.S. immigration and refugee programs will have, and will believe that they have, full access to the avenue of legal immigration.

To that end, we have recently taken three initiatives. First, we have expanded the interviewing capacity of our consular and INS teams to a rate of 4,500 persons per month in Ho Chi Minh City. Second, we are pressing the Vietnamese to allow the departure of up to 20,000 immigrant beneficiaries per year—persons who would not require refugee numbers.

And, third, a new, historic agreement between the United States and Vietnam came into force on August 28 which provides for the resettlement in the United States of former reeducation center detainees and their families. This population, to which we have sought access through sustained negotiations for the past 7 years, represents those Vietnamese who have suffered most due to their association with the United States or the Government of South Vietnam during the war period.

These are the individuals with the strongest claim to U.S. resettlement, and it is therefore an extremely important development that they, too, will now have access to the ODP system. We hope to start interviewing these individuals as soon as October, beginning at a rate of 1,000 per month.

In sum, the Vietnamese refugee problem is long standing and extraordinarily complex. It will not disappear simply because of the international conference. Our response—indeed, the response of the 56 nations that participated in the conference—is an effort to gain control over the problem with a comprehensive set of policies and principles.

We are trying to bring the numbers down to manageable proportions. We are trying to convey an honest and responsible message to persons still in their country of origin so that they do not make life-changing decisions based on false expectations. And we are trying to expand the U.S. capacity to handle an orderly, legal immigration program in the country of origin.

SOVIET REFUGEE

Let me turn now to the Soviet emigration issue. I would characterize our approach to the Soviet emigration problem in the same manner. We are trying to manage the surge of Soviet emigration in the most humane and orderly way possible within the limits of expanded refugee and immigration programs.

We are trying to expand the U.S. capacity to deal with Soviet emigrants while still in their country of origin, and we are trying to avoid giving false expectations to potential emigrants.

The enormous increase in Soviet emigration over the past 2 years should be celebrated for the benefit it offers the people long deprived of this right. The administration, the Congress and the American people should be proud of our sustained and forceful advocacy of human rights for Soviet citizens, and particularly for our insistence on freedom of emigration for Soviet Jews. This is a great success for American foreign policy.

In addition to the evidence of numbers, we now expect that the Supreme Soviet will soon act on new emigration legislation which would bring the Soviet Union far closer to acceptable international standards.

While we applaud these developments, we must be honest in appraising our national ability to respond to unprecedented, unpredictable, and previously unmanaged flows of people.

In fiscal year 1989, we have taken a series of interim measures to respond to this situation. Through the emergency determination process, the President more than doubled the refugee admission ceilings for the Soviet-Eastern European region from 24,500 to 50,000. Congress responded promptly to the President's request for $85 million in supplemental funds, and Attorney General Thornburgh announced that he would exercise his parole authority to benefit all Soviet applicants who were determined not to qualify under the refugee provisions of the statute.

In addition to these programs for refugee applicants, the U.S. Embassy in Moscow also expects to issue approximately 500 regular immigrant visas in fiscal year 1989. For fiscal year 1990, we are proposing a further increase in the refugee ceiling to 50,000 for the Soviet Union alone, plus 6,500 for Eastern Europe.

FUNDING GAP

We realize there is a funding gap to be closed which we estimate to be $58 million. The administration is committed to working with the appropriations committees to find the necessary funds for the President's program, recognizing that we must do so without infringing upon other important foreign policy programs and priorities.

ADMINISTRATION'S PROPOSED LEGISLATION

Finally, the administration has introduced legislation which could take effect in fiscal year 1990 to provide for the admission as special-interest immigrants of up to an additional 30,000 persons per year. This would replace use of parole as a vehicle for the admission of applicants from the Soviet Union and other countries who may be of special interest to the United States, but who are

unable to qualify as refugees. Our legislation would also adjust the status of parolees who have arrived in the United States over the past year to that of permanent resident.

TRANSFER OF PROCESSING FROM ROME TO MOSCOW

These measures, however, will not suffice for the longer term. The problem cannot be solved as long as the primary route for Soviet nationals seeking resettlement in the United States is through Vienna and Rome.

The situation in Rome is extremely costly, requiring more than $34 million for care and maintenance in fiscal year 1989 alone. Unfortunately, we are all familiar with the problem of Soviet emigrants in Rome who have not been found eligible for refugee admission and have not accepted the opportunity to enter the United States as parolees.

We will work to resolve the situation of these people, some 5,000 as of August 31. It is important that we institute a policy which ensures that no one leaves the Soviet Union in the future with false expectations as to the United States immigration laws and resettlement commitments.

For these and many other reasons, the administration has decided to put in place, effective October 1, a set of measures to ensure that new Soviet applicants for refugee admission are dealt with in Moscow rather than in Vienna and Rome. This involves expanding our processing capability at Embassy Moscow and establishing a Washington center to assist the Embassy with processing the application paperwork, in addition to diplomatic initiatives with the Soviet Union and other visa-granting countries.

Accordingly, after October 1, Soviet emigrants seeking admission to the United States will be required to apply at the United States Embassy in Moscow unless they possess an Israeli visa pre-dating October 1.

Persons departing the Soviet Union with Israeli visas dated on or after October 1 will be assumed to have left the Soviet Union with the intention of emigrating to Israel. They will not be eligible to apply in a third country for refugee admission to the United States. Those who are already in the pipeline as of October 1, a number we estimate may well be over 30,000, will continue to be adjudicated according to the current procedures.

Finally, because we anticipate that the demand for scarce refugee admissions numbers may exceed our proposed admissions ceiling of 50,000, we will have to put in place some system of priority for scheduling interviews in Moscow.

In accordance with our customary practice in refugee admissions processing throughout the world, we shall give first priority to cases of family reunification. We will continue to interview and accept for U.S. admission persons without family ties in the United States. Since we can neither control nor predict demand, we can give no guarantee that everyone who wishes to apply can be processed in any given time period.

In closing, I would like to return to the point which certainly applies both for Vietnam and for the Soviet Union that the United

States must make every effort to match our policies to our promises and our promises to our resources.

As foreign governments reform their treatment of legal emigration, we will continue to seek to expand our capacity to manage the orderly migration of people of concern to the United States.

At the same time, we will endeavor to convey an honest and responsible message to persons still in their country of origin so that they do not make life-changing decisions based on false expectations.

The United States is the acknowledged world leader in the promotion of human rights in countries around the world. The generosity of the United States toward the world's refugees is a deeply rooted, bipartisan policy which goes far beyond Washington to the beliefs of individual Americans and the activities of a myriad of voluntary, religious, and community organizations.

The trend toward liberalization and democratization in the Soviet Union and Eastern Europe is an historic departure. Emigration is one manifestation—indeed, a central symbol—of the success of U.S. human rights policies. We now face the challenge of managing this success in accordance with our foreign policy interests, our humanitarian objectives, and our national priorities for utilizing scarce Federal resources.

We believe the President's proposed admissions program for fiscal year 1990, combined with our new policy for Soviet emigration, will constitute the most responsible and consistent national policy for dealing with this challenge.

Thank you, Mr. Chairman, and if you do not object, I would like to ask Ambassador Lafontant to comment briefly.

[The prepared statement of Mr. Eagleburger follows:]

TESTIMONY

OF

LAWRENCE S. EAGLEBURGER

DEPUTY SECRETARY OF STATE

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

SEPTEMBER 15, 1989

CHECK AGAINST DELIVERY

EMBARGOED BEFORE DELIVERY, 11:00 A.M., SEPTEMBER 15, 1989

Thank you, Mr. Chairman.

I am pleased to be here this morning to represent Secretary Baker at the annual consultations on the refugee admissions program. I will keep my opening statement brief in order to ensure that there is ample time for questions. At the second panel, Ambassador Lafontant, the U.S. Coordinator for Refugee Affairs, and Ambassador Lyman, the new Director of the State Department's Bureau for Refugee Programs, will present testimony covering the entire program.

I plan to concentrate on two subjects of particular concern to this Administration's foreign policy -- Indochinese asylum seekers and Soviet emigration. As is apparent from the President's proposal for refugee admissions, the situations in these two regions are creating the greatest demands on our refugee policies and on our resources. Before turning to these issues, however, I would like to say a word about how our refugee programs relate to U.S. foreign policy.

Refugees and U.S. Foreign Policy

Refugees result from government oppression. One of the fundamental goals of U.S. foreign policy is to promote democratic values, human rights, and individual freedoms throughout the world. In every country where we identify a refugee problem, our first effort is to seek political change in that country so as to guarantee the respect for and protection of universally recognized human rights.

The ideal solution for any refugee situation is that the conditions which caused the refugees to flee be brought to an end. If and when political developments make it possible, refugees who have not been permanently resettled should return -- voluntarily -- to their homelands. To reconstruct a life in one's own land, with one's own language and culture, is for the great majority a far more humane solution than to become an outsider in a foreign land, however hospitable it may be.

Our humanitarian dilemma in responding to refugee situations lies in the uncertainty of the time frame in which political change will make the voluntary repatriation solution possible. We have had great hopes for the Afghans, yet the fighting in their homeland continues and the refugees remain in Pakistan and other neighboring countries. We have hopes for the Central American peace accord, so that Nicaraguans can return

home in peace and safety. We hope that the recent repatriation to Namibia will be part of the successful birth of a new nation founded on democratic principles. We hope that a way to a peaceful future can be found for Cambodia. And we hope that political change in Poland and Hungary will remove those nations from their long-held position on the list of refugee-producing countries.

Almost all of the world's refugees and displaced persons are thus caught in limbo until such major political change occurs. The task facing the United States Government and the American people is to respond with our advocacy, with our leadership, and with our available resources to work toward the desired political change and, in the interim, to sustain the life and welfare of the refugees.

Within this context we must acknowledge that our refugee admissions program -- which is separate from and in addition to the normal U.S. immigration program -- gives a small minority of the world's refugees the extraordinary opportunity to become Americans. Yet, here too we are presented with a dilemma. To some degree it is the very promise of America that causes people to seek to leave their countries in search of the freedom and better life which America represents. We therefore must not create false expectations that are beyond our capacity to fulfill, lest we cause people to abandon their homes only to be

left in limbo without any place to go. Moreover, as stated in the Refugee Act of 1980, we must encourage other nations to do their share in providing assistance and resettlement opportunities.

Let me now turn to the two most prominent refugee producing countries -- Vietnam and the Soviet Union.

Vietnamese Asylum Seekers

Since 1975, over 1.5 million Vietnamese have been resettled in third countries: 900,000 of them in the United States alone. Not only has the flow of Vietnamese asylum seekers continued for 14 years, it has increased in the past two years. The enormous pressure that this has placed on the countries in the region led to their call for the International Conference on Indochinese Refugees that I attended in Geneva this past June. The principles endorsed by that conference, as set forth in the document called the Comprehensive Plan of Action (or "CPA") are of critical importance and can be summarized briefly.

First, in order for there to be a truly viable alternative to clandestine flight, Vietnam must allow the legal emigration of all persons eligible for resettlement country programs.

Second, nations in the region must allow asylum seekers to arrive safely and must treat them humanely.

Third -- and this point is essential for our discussion today -- there must be a legitimate process, in full compliance with international standards, to determine who is a bona fide refugee. In other words, the era of automatic resettlement for anyone who leaves Vietnam is over. Persons determined not to be bona fide refugees will not be resettled. Instead, they will be offered voluntary repatriation under a program administered by the United Nations High Commissioner for Refugees (UNHCR).

For the U.S. admissions program, there are two key elements in the CPA -- one short-term, one long-term. In the short-term, we have made a commitment to join a multilateral three-year effort to resettle all of the Vietnamese asylum seekers who had arrived in first asylum countries prior to agreed cutoff dates. The U.S. share will be some 22,000 out of a total population of approximately 55,000 -- or 40 percent. I am pleased to report that our embassies, INS offices, and voluntary agency partners in the region are already vigorously at work to achieve half of the total U.S. offtake commitment in the first year. The United States is also committed to resettle our share of the new arrivals who are determined to be bona fide refugees.

The long-term goal is to expand and improve our Orderly Departure Program (ODP) so that Vietnamese qualified for U.S. immigration and refugee programs will have -- and will believe that they have -- full access to the avenue of legal emigration. To that end we have recently taken three initiatives. First, we have expanded the interviewing capacity of our consular and INS teams to a rate of 4,500 persons per month in Ho Chi Minh City. Second, we are pressing the Vietnamese to allow the departure of up to 20,000 immigrant beneficiaries per year -- persons who would not require refugee numbers. And third, a new, historic agreement between the United States and Vietnam came into force on August 28 which provides for the resettlement in the United States of former reeducation center detainees and their families. This population, to which we have sought access through sustained negotiations for the past seven years, represents those Vietnamese who have suffered most due to their association with the United States or the Government of South Vietnam during the war period. These are the individuals with the strongest claim to U.S. resettlement, and it is therefore an extremely important development that they, too, will now have access to the ODP system. We hope to start interviewing these individuals as soon as October, beginning at a rate of 1,000 per month.

In sum, the Vietnamese refugee problem is longstanding and extraordinarily complex. It will not disappear simply because of the International Conference. Our response -- indeed, the response of the 56 nations that participated in the International Conference -- is an effort to gain control over the problem with a comprehensive set of policies and principles. We are trying to bring the numbers down to manageable proportions. We are trying to convey an honest and responsible message to persons still in their country of origin, so that they do not make life-changing decisions based on false expectations. And we are trying to expand the U.S. capacity to handle an orderly, legal emigration program in the country of origin.

Soviet Emigration

I would characterize our approach to the Soviet emigration problem in the same manner. We are trying to manage the surge in Soviet emigration in the most humane and orderly way possible within the limits of expanded refugee and immigration programs. We are trying to expand the U.S. capacity to deal with Soviet emigrants while still in their country of origin. And we are trying to avoid giving false expectations to potential emigrants.

The enormous increase in Soviet emigration over the past two years should be celebrated for the benefit it offers to people long deprived of this right. The Administration, the Congress, and the American people should be proud of our sustained and forceful advocacy of human rights for Soviet citizens, and particularly our insistence on freedom of emigration for Soviet Jews. This is a great success for our American foreign policy. In addition to the evidence of numbers, we now expect that the Supreme Soviet will soon act on new emigration legislation which would bring the Soviet Union far closer to acceptable international standards.

While we applaud these developments, we must be honest in appraising our national ability to respond to unprecedented, unpredictable, and previously unmanaged flows of people.

In FY 89 we have taken a series of interim measures to respond to this situation. Through the emergency determination process, the President more than doubled the refugee admissions ceiling for the Soviet/Eastern European region from 24,500 to 50,000. Congress responded promptly to the President's request for $85 million in supplemental funds. And Attorney General Thornburgh announced that he would exercise his parole authority to benefit all Soviet applicants who were determined not to qualify under the refugee provisions of the statute. In addition to these programs for refugee applicants, the U.S.

Embassy in Moscow also expects to issue approximately 500 regular immigrant visas in FY 89.

For FY 90, we are proposing a further increase in the refugee ceiling to 50,000 for the Soviet Union alone, plus 6,500 for Eastern Europe. We realize that there is a funding gap to be closed, which we estimate to be $58 million. The Administration is committed to working with the Appropriations Committees to find the necessary funds for the President's program, recognizing that we must do so without infringing upon other important foreign policy programs and priorities.

Finally, the Administration has introduced legislation which could take effect in FY 90 to provide for the admission as special interest immigrants of up to an additional 30,000 persons per year. This would replace use of parole as a vehicle for the admission of applicants from the Soviet Union and other countries who may be of special interest to the United States but who are unable to qualify as refugees. Our legislation would also adjust the status of parolees who have arrived in the United States over the past year to that of permanent resident.

These measures, however, will not suffice for the longer-term. The problem cannot be solved as long as the primary route for Soviet nationals seeking resettlement in the United States is through Vienna and Rome. The situation in Rome is extremely costly, requiring more than $34 million for care and maintenance in FY 89. Unfortunately, we are all familiar with the problem of Soviet emigrants in Rome who have not been found eligible for refugee admission and have not accepted the opportunity to enter the United States as parolees. We will certainly work to resolve the situation of these people -- some 5,000 as of August 31. It is important that we institute a policy which ensures that no one leaves the Soviet Union in the future with false expectations as to the U.S. immigration laws and resettlement commitments.

For these and many other reasons, the Administration has decided to put in place, effective October 1, a set of measures to ensure that new Soviet applicants for refugee admission are dealt with in Moscow rather than in Vienna and Rome. This involves expanding our processing capability at Embassy Moscow, and establishing a Washington center to assist the Embassy with processing the application paperwork, in addition to diplomatic initiatives with the Soviet Union and other visa granting countries.

Accordingly, after October 1, Soviet emigrants seeking admission to the United States will be required to apply at the U.S. Embassy in Moscow, unless they possess an Israeli visa predating October 1. Persons departing the Soviet Union with Israeli visas dated on or after October 1 will be assumed to have left the Soviet Union with the intention of emigrating to Israel; they will not be eligible to apply in a third country for refugee admission to the United States.

Those who are already in the pipeline as of October 1 -- a number we estimate may be well over 30,000 -- will continue to be adjudicated according to current procedures.

Finally, because we anticipate that the demand for scarce refugee admissions numbers may exceed our proposed admissions ceiling of 50,000, we will have to put in place some system of priority for scheduling interviews in Moscow. In accordance with our customary practice in refugee admissions processing throughout the world, we shall give first priority to cases of family reunification. We will continue to interview and accept for U.S. admission persons without family ties in the United States. Since we can neither control nor predict demand, we can give no guarantee that everyone who wishes to apply can be processed in any given time period.

Conclusion

In closing, I would like to return to the point -- which certainly applies both for Vietnam and for the Soviet Union -- that the United States must make every effort to match our policies to our promises, and our promises to our resources. As foreign governments reform their treatment of legal emigration, we will continue to seek to expand our capacity to manage the orderly migration of people of concern to the United States. At the same time, we will endeavor to convey an honest and responsible message to persons still in their country of origin so that they do not make life-changing decisions based on false expectations.

The United States is the acknowledged world leader in the promotion of human rights in countries around the world. The generosity of the United States toward the world's refugees is a deeply rooted, bipartisan policy, which goes far beyond Washington to the beliefs of individual Americans and the activities of a myriad of voluntary, religious and community organizations. The trend toward liberalization and democratization in the Soviet Union and Eastern Europe is an historic departure. Emigration is one manifestation -- indeed, a central symbol -- of the success of U.S. human rights

policies. We now face the challenge of managing this success in accordance with our foreign policy interests, our humanitarian objectives, and our national priorities for utilizing scarce federal resources.

We believe the President's proposed admissions program for FY 90, combined with our new policy for Soviet emigration, will constitute the most responsible and consistent national policy for dealing with this challenge.

Senator KENNEDY. Ambassador.

STATEMENT OF JEWEL S. LAFONTANT, U.S. COORDINATOR FOR REFUGEE AFFAIRS, ACCOMPANIED BY PRINCETON N. LYMAN, DIRECTOR, BUREAU FOR REFUGEE PROGRAMS, DEPARTMENT OF STATE; PHILIP A. HOLMAN, ACTING DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, FAMILY SUPPORT ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND JAMES L. BUCK, ACTING COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, U.S. DEPARTMENT OF JUSTICE

Ambassador LAFONTANT. Thank you. Mr. Chairman, other distinguished members of the Senate Judiciary Committee, good morning. I, like Secretary Eagleburger, am pleased to be here this morning as the administration's witness in these formal refugee consultations for fiscal year 1990.

I am very pleased that Senator Simpson has observed that I have jumped in and that I am getting wet all over. That doesn't bother me as long as I don't drown.

We are consulting at an historic moment in history. As we meet today, thousands of East Germans are moving across the borders from Hungary to Austria and into West Germany where they have a chance for the first time to live in freedom.

As the barriers to emigration fall throughout the Soviet Union and Eastern Europe, more and more people are having the opportunity to emigrate to the West. These trends are a tribute to the policies that the United States has followed over the past years, and we are happy with these developments and take pride in the role the United States has played in helping create the conditions that brought them about.

EXTENSIVE CONSULTATION

Although this hearing marks the beginning of the formal consultations process, it is not the first step in the process. Over the past few months, I have met with members and staff of congressional committees concerned with refugee issues, including some of the people with whom I have been consulting for the last 2 days in Congress.

I have had meaningful consultations with representatives of State and local governments, first here in Washington, DC, and in New York City. I have met with private voluntary agencies, public interest groups throughout this country, the Department of State, the Immigration and Naturalization Service, the Department of Health and Human Services, and others, including the important Office of Management and Budget.

I have also consulted with the heads of international organizations who play such an important role in providing assistance to refugees overseas. I recently traveled to Geneva and Rome where I met with host government officials and renewed my acquaintance with representatives of international organizations.

During my trip to Italy, I had an opportunity to observe firsthand the on-site processing of Soviet emigres. I visited the seaside town of Ladispoli that Senator Simon alluded to where so many Soviet emigres are located. I talked to them in their cultural center

and in the schools where they study English, and shared with them the problems they face.

Before providing an overview of some of the major refugee situations and the links between these concerns and our refugee admissions proposal, let me briefly review the major tenets of our refugee policy, which are a manifestation of our Nation's traditional humanitarian concern and assistance.

Our refugee policy embodies the fundamental values of the American people—compassion, humanitarianism, idealism. We offer assistance to refugees not merely out of compassion, but to promote stability in geographic regions of concern.

INTERNATIONAL REFUGEE ASSISTANCE

An important part of our refugee policy is the mobilization of international relief assistance to the more than 14 million refugees scattered throughout the globe. For many of these people, our international assistance is a life or death matter.

The international assistance program encompasses a wide range of activities, including education, health, and vocational training. Increasingly, international agencies are recognizing that care and maintenance are not enough if refugees are going to return to their homeland some day as productive members of society.

Over the years, the United States has taken the lead in establishing and supporting the international network of organizations whose purpose is to assist refugees to cope with their current situation and to give them hope for the future. The United States remains committed to continue our support for the vital programs these organizations carry out.

RESETTLEMENT IN THE UNITED STATES

The second pillar of U.S. refugee policy is resettlement. Our policy is to support voluntary repatriation when conditions permit, to facilitate resettlement in country of asylum or in a third country, and, when resettlement in the United States is the only alternative, to admit refugees who are of special humanitarian concern to the United States or whose admission to the United States is in our national interest.

As you know, this is the eve of the 10th anniversary of the Refugee Act of 1980, which sought to establish a more uniform and equitable basis for refugee admissions to the United States.

To this end, Congress adopted the definition of "refugee" as used in the U.N. Convention and Protocol relating to the status of refugees, to which we became a party in 1968, and removed the geographical and ideological limits found in the Immigration and Nationality Act definition of 1952.

The act of 1980 established the procedure of formal congressional consultations and specified the type of information required by the Congress. We have prepared this information for you in our report to the Congress on proposed admissions for fiscal year 1990, and that report has already been submitted.

AFRICA

At this time, I would like to share with you a brief overview of some of the major refugee situations which require resettlement in the United States. As the committee is aware, Africa is a region with serious refugee problems. There is a vast and growing number of refugees and displaced persons in need of life-sustaining support.

Many African countries continue to provide opportunities for asylum, local resettlement, and, at times, voluntary repatriation. The small country of Malawi, for example, provides asylum for thousands of Mozambicans despite the impact on its own economy. Malawi has about 700,000 refugees.

Our major effort in Africa has been to provide assistance for emergency care and feeding in refugee camps. With regard to refugee processing, we now have an INS post in Nairobi, Kenya, which has improved our ability to process refugees in Africa.

In the Sudan where asylum has been provided for hundreds of thousands of refugees, with the cooperation of the host government, we anticipate an early movement of some 2,000 Ethiopian refugees who are already in the pipeline.

The proposed ceiling of 3,000 is an increase of 1,000 over last year's ceiling of 2,000, and will provide opportunities for the admission of refugees already in the pipeline, in addition to others.

EAST ASIA

Turning to East Asia, in meeting our commitments undertaken under the Comprehensive Plan of Action at this summer's International Conference on Indochinese Refugees, as Secretary Eagleburger has stated, the President is proposing to admit from East Asia 25,000 refugees from first asylum and 26,500 refugees from the Orderly Departure Program.

The admissions from first asylum will allow the United States to continue its commitment to ease the burden of first asylum countries in Southeast Asia, while encouraging broad participation in this international effort.

The proposed ODP refugee admissions ceiling of 26,500 includes an estimated 7,000 former reeducation center detainees to be admitted as refugees under the agreement recently concluded with the Vietnamese. This number will also include Amerasian immigrants who enter the United States under the provisions of separate legislation. In addition, there will be another 2,000 persons admitted as immigrants, including former detainees.

SOVIET UNION

The Soviet Union: We stand now in the midst of dramatic improvements with regard to emigres from the Soviet Union. This fiscal year, the United States will have admitted over 35,000 Soviet refugees. The liberalization of Soviet exit/entry laws is expected to further expand next year's flow.

Because of the substantially increased opportunities for emigration from the Soviet Union, the administration is increasing the ceiling from last year to 50,000. This is a 14-percent increase over fiscal year 1989 and a 150-percent increase above fiscal year 1988.

EASTERN EUROPE

As far as Eastern Europe is concerned, the President's proposal adopts the suggestion that separate ceilings be indicated for the Soviet Union and Eastern Europe. The proposed refugee ceiling for Eastern Europe is 6,500, and should enable us to make a substantial inroad on cases presently registered for our program. The vast majority of persons registered by voluntary agencies and awaiting INS interviews are Poles and Hungarians.

NEAR EAST/SOUTH ASIA

The proposed ceiling for Near East and South Asia of 6,500 will provide for the admission of Iranians, Afghans, and Iraqis, as well as other nationalities on a case-by-case basis.

Our concern for the persecution of religious minorities in Iran continues despite the death of Khomeini and the accession of a new regime. With regard to Afghans, we do not anticipate that their eventual repatriation will have a significant impact on the United States resettlement program.

LATIN AMERICA/CARIBBEAN

The proposed ceiling for Latin America and the Caribbean is 3,500. We are committed, under the migration agreement of 1984 with Cuba, to resettle all qualifying former political prisoners and their families from Cuba each year. The proposed ceiling would also permit admission of up to 500 refugees from the region, including former political prisoners in Nicaragua who were recently released from prison.

Our refugee admissions numbers are only a small part of the total numbers who enter the United States each year. During fiscal year 1988, over 391,834 immigrant visas were issued, of which 270,000 were used. In addition, 8 million nonimmigrant visas were issued. There are significant others who came in who are not included in these numbers.

FUNDING GAP

It is apparent that the President's proposal carries with it important funding implications. The recommended level for consultations is higher than that assumed in the State Department budget and will require about $58 million more for admissions than originally requested.

The Department of State is addressing the international budget issues and is working with the Appropriations Committees in an attempt to meet as much of our refugee admissions requirements as possible without an adverse funding effect on other important foreign policy programs and priorities.

Once the appropriations process is complete, the administration will have to consider how it can best meet the unfunded requirements, if any. I understand that there is room on the domestic side within the 1990 bipartisan budget agreement for Congress to provide necessary funding for the HHS costs of refugee resettlement.

In addition, we plan to try to beef up the private sector, and I, for one, plan to consult with my former colleagues in the corporate

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world to ask for their assistance in evaluating the potential for private sector input in refugee programs.

I would like to turn briefly now to the domestic implications of our refugee policy. By the very act of admitting refugees to this country, we assume a certain level of responsibility for their successful integration into a new culture and into a new environment.

Mr. Chairman and members of the committee, we will continue to try to work to resolve the root causes of refugee flows, and strive to provide a refugee program to meet our international and domestic concerns within a humanitarian framework.

Thank you again.

[The prepared statement of Ambassador Lafontant follows:]

Statement of Ambassador-at-Large Jewel S. Lafontant

U.S. Coordinator for Refugee Affairs

Before the

Senate Judiciary Committee

September 15, 1989

It is a pleasure for me to be here this morning as the Administration's witness in these formal refugee consultations for Fiscal Year 1990. This is the first annual refugee consultations hearing of this Administration and my first such hearing as well.

We are consulting at an historic moment. As we meet today, thousands of East Germans are moving across the borders from Hungary to Austria and into West Germany where they have a chance for the first time to live in freedom. As the barriers to emigration fall throughout the Soviet Union and Eastern Europe, more and more people are having the opportunity to emigrate to the West.

These trends are a tribute to the policies the United States has followed over the past years. We are pleased with these developments and take pride in the role the United States has played in helping create the conditions that brought them about.

Of course, the increased refugee flows bring problems in their wake. That is to be expected; but how much better it is to have to deal with the problems caused by the success of one's policies than to deal with problems caused by failure.

I am happy to have with me this morning Princeton Lyman, former Ambassador to Nigeria and now the Director of the State Department's Bureau for Refugee Programs, Philip A. Holman, Acting Director of the Department of Health and Human Service's Office of Refugee Resettlement, and James L. Buck, the Acting Commissioner of the Immigration and Naturalization Service.

Although this hearing marks the beginning of the formal consultations process, it is not the first step in the process. Over the past few months, I have met with members and staff of Congressional committees concerned with refugee issues. I have had meaningful consultations with representatives of state and local governments, private voluntary agencies, public interest groups, the Office of Management and Budget, the Departmeht of State, the Immigration and Naturalization Service, the Department of Health and Human Services, and others.

I have also consulted with the heads of international organizations who play such an important role in providing assistance to refugees overseas.

I recently travelled to Geneva and Rome where I met with host government officials and renewed my acquaintance with representatives of international organizations. During my trip to Italy, I had an opportunity to observe first hand the on-site processing of Soviet emigres. I visited the seaside town of Ladispoli where so many Soviet emigres are located. I talked to them in their cultural center and in the schools where they study English. The message they all conveyed was "please help us."

Refugee Policy

Before providing an overview of some of the major refugee situations and the links between these concerns and our refugee admissions proposals, let me briefly review the major tenets of our refugee policy, which are a manifestation of our nation's traditional humanitarian concern and assistance.

Our refugee policy embodies the fundamental values of the American people: compassion, humanitarianism, idealism. We offer assistance to refugees not merely out of compassion but to promote stability in geographic regions of concern.

Relief

An important part of our refugee policy is the mobilization of international relief assistance to the more than 14 million refugees scattered throughout the globe. For many of these people, international assistance is a life or death matter. The international assistance program encompasses a wide range of activities, including education, health and vocational training. Increasingly, international agencies are recognizing that care and maintenance are not enough if refugees are going to return to their homeland some day as productive members of society.

Over the years, the United States has taken the lead in establishing and supporting an international network of organizations whose purpose is to assist refugees to cope with their current situation and to give them hope for the future. The United States remains committed to continue our support for the vital programs these organizations carry out.

Resettlement

The second pillar of U.S. refugee policy is resettlement. Our policy is to support voluntary repatriation when conditions permit; to facilitate resettlement in country of asylum or in a third country; and, when resettlement in the United States is the only alternative, to admit refugees who are of special humanitarian concern to the United States or whose admission to the United States is in our national interest.

U.S. Admissions Program

As you know, this is the eve of the tenth anniversary of the Refugee Act of 1980 which sought to establish a more uniform and equitable basis for refugee admissions to the United States. To this end, Congress adopted the definition of refugee as used in the U.N. Convention and Protocol relating to the status of refugees to which we became party in 1968, and removed the geographic and ideological limits found in the Immigration and Nationality Act definition of 1952.

The Act of 1980 established the procedure of formal Congressional consultations and specified the type of information required by the Congress. We have prepared this information for you in our Report to the Congress on Proposed Refugee Admissions for Fiscal Year 1990.

At this time, I would like to share with you a brief overview of some of the major refugee situations which require resettlement in the United States.

For Fiscal Year 1990 the President is recommending the admission of up to 125,000 refugees. That ceiling includes the subceiling for the following refugee groups of special humanitarian concern to the United States:

3,000 refugees from Africa

25,000 from first asylum countries in East Asia

26,500 from Vietnam through the Orderly Departure Program

50,000 from the Soviet Union

6,500 from Eastern Europe

3,500 from Latin America and the Caribbean

6,500 from the Near East and South Asia

4,000 unallocated privately funded

Of the total proposed admissions number of 125,000, 14,000 are to be privately funded, including 10,000 from the Soviet Union.

Africa

As the Committee is aware, Africa is a region with serious refugee problems. There is a vast and growing number of refugees and displaced persons in need of life-sustaining support. Many African countries continue to provide opportunities for asylum, local resettlement and at times, voluntary repatriation. Malawi, for example, provides asylum for thousands of Mozambicans despite the impact on its own economy. Our major effort in Africa has been to provide assistance for emergency care and feeding in refugee camps.

With regard to refugee processing, we now have an INS post in Nairobi which has improved our ability to process refugees in Africa. In the Sudan, where asylum has been provided for hundreds of thousands of refugees, with the cooperation of the host government, we anticipate an early movement of some 2,000 Ethiopian refugees who are already in the pipeline.

The proposed ceiling of 3,000 is an increase of 1,000 over last year's ceiling of 2,000 and will provide opportunities for the admission of refugees already in the pipeline in addition to others.

- East Asia

In meeting our commitments undertaken under the Comprehensive Plan of Action at this summer's International Conference on Indochinese Refugees, the President is proposing to admit from East Asia 25,000 refugees from first asylum and 26,500 refugees from ODP. The admissions from first asylum will allow the United States to continue its commitment to ease the burden of first asylum countries in Southeast Asia while encouraging broad participation in this international effort.

The proposed ODP refugee admissions ceiling of 26,500 includes an estimated 7,000 former reeducation center detainees to be admitted as refugees under the agreement recently concluded with the Vietnamese. This number will also include Amerasian immigrants who enter the United States under the provisions of separate legislation.

Soviet Union

We stand now in the midst of dramatic improvements with regard to emigres from the Soviet Union. This fiscal year, the United States will have admitted over 35,000 Soviet refugees. The liberalization of Soviet exit/entry laws is expected to further expand next year's flow.

Because of the substantially increased opportunities for emigration from the Soviet Union, the administration is increasing the ceiling from last year's 43,500 to 50,000. Of this number, 10,000 are to be funded by the private sector.

Eastern Europe

The President's proposal adopts the suggestion that separate ceilings be indicated for the Soviet Union and Eastern Europe. The proposed refugee ceiling for Eastern Europe is 6,500 and should enable us to make a substantial inroad on cases presently registered for our program. The vast majority of persons registered by voluntary agencies and awaiting INS interviews are Poles and Hungarians.

Near East and South Asia

The proposed ceiling of 6,500 will provide for the admission of Iranians, Afghans and Iraqis as well as other nationalities on a case-by-case basis. Our concern for the persecution of religious minorities in Iran continues despite the death of Khomeini and the accession of a new regime. With regard to Afghans, we do not anticipate that their eventual repatriation will have a significant impact on our U.S. resettlement program.

Latin America and the Caribbean

The proposed ceiling for this region is 3,500. We are committed under the migration agreement of 1984 with Cuba to resettle all qualifying former political prisoners and their families from Cuba each year. The proposed ceiling would also permit admission of up to 500 refugees from the region including former political prisoners in Nicaragua who were recently released from prison.

Our refugee admissions numbers are only a small part of the total numbers who enter the United States each year. During Fiscal Year 1988 over 391,834 immigrant visas were issued, of which number 270,000 were used.

Funding

It is apparent that the President's proposal carries with it important funding implications. Largely as a result of increased refugee flows from the Soviet Union, the current budget requests for the State Department and HHS for FY 90 did not anticipate arrivals of this magnitude when setting funding levels for admissions and resettlement needs.

The recommended level for consultations is higher than that assumed in the State Department budget and will require about $58 million more for admissions than originally requested. The Department of State is addressing the international budget issues and is working with the Appropriations committees in an attempt to meet as much of our refugee admissions requirements as possible without an adverse funding effect on other important foreign policy programs and priorities. Once the appropriations process is complete, the administration will have to consider how it can best meet the unfunded requirements, if any. There is room on the domestic side, within the 1990 Bipartisan Budget Agreement, for Congress to provide necessary funding for the HHS costs of refugee resettlement. In addition, I plan to consult with my former colleagues in the corporate world to ask for their assistance in evaluating the potential for private sector input in refugee programs.

Domestic Resettlement

I would like to turn briefly now to the domestic implications of our refugee policy. By the very act of admitting refugees to this country, we assume a certain level of responsibility for their successful integration into a new

culture and a new environment. We are sensitive to the fact that refugees are a special class of immigrant, requiring, for an initial period of time, special forms of support and assistance. Many refugees who come here suffer the trauma of separation from their culture, their way of life, their home, their family members. Although overseas orientation programs help prepare refugees for resettlement, without the support of the private voluntary organizations and state and local governments, resettlement could not be effectively accomplished.

Mr. Chairman and members of the Committee, we will continue to work to resolve the root causes of refugee flows and strive to provide a refugee program to meet our international and domestic concerns within a humanitarian framework.

Thank you again.

I would be happy to answer your questions.

REFUGEES RETURNED TO SOVIET UNION?

Senator KENNEDY. Ambassador Lafontant, you were quoted as saying with regard to the Soviet refugees, if they are not admitted to the United States, they can always go back to the Soviet Union. Was that an accurate quote?

Ambassador LAFONTANT. I dare say that it is not a complete quote and, taken out of context, I would say it is an inaccurate quote. I had to respond to a question that Congressman Fish put to me which went to the effect, what will happen to the people who are in Italy at Ladispoli. It was a theoretical question. If they do not qualify as refugees and if they don't go to the United States as parolees, what are their options? That is how I interpreted the question.

And I told him that those who had these Israeli visas, which they all do, that they had the option of going to Israel. And, of course, they could return to Russia, provided glasnost proceeded in a timely fashion. That was the content of the response.

It was a theoretical question and I gave a legal, theoretical answer.

I might add that I submitted an additional paper that next morning to clarify what I meant, and I would like to read that, if I may. I said there is always the theoretical possibility of a return. We don't expect it; that is, the United States does not expect that to happen.

I reiterated that our United States policy is to offer admission to the United States for all Soviet applicants in Rome. The majority of the applicants are approved for admission as refugees. A minority who are determined not to qualify as refugees are offered admission to the United States as parolees, and we regret that so few have taken advantage of this offer.

The United States will continue to offer parole admission. The administration has also introduced legislation to create a new class of special-interest immigrant which could be used to benefit this group.

Of course, Soviet Jews have the option to apply for emigration to Israel. Those, however, who are in the pipeline will be processed as expeditiously as possible, and the U.S. Government will facilitate their admission to the United States whether or not they qualify for the refugee program. Rest assured, they will not be stranded in Europe or forced to go elsewhere.

Senator KENNEDY. Well, I appreciate your explanation. I think you could certainly understand that those words, taken literally, would have to be considered insensitive, particularly in light of our longstanding policy of recognizing persecution in the Soviet Union. And I think it would be readily understandable how individuals who have departed the Soviet Union would feel that this kind of comment by the head of the refugee program here is highly inappropriate.

Let me——

Ambassador LAFONTANT. May I say something?

Senator KENNEDY. Fine.

Ambassador LAFONTANT. I would agree with you, and if that had been my initial statement—I think I am pretty sensitive to the

issues, and everybody who knows my background would agree with that.

But I thought when Congressman Fish asked me the question that I was under a duty to respond in a legal way; that I could not play politics and ignore the question. That is how it came out and it was taken out of context, regrettably. I certainly understand the reaction, but I also feel that my explanation should clarify it.

NEED FOR CAUTION AND AWARENESS OF PERSECUTION

Senator KENNEDY. Thank you very much.

Secretary Eagleburger, on the question of our immigration policy toward Soviet Jews, we have read a good deal about the deliberations that have been taking place within the administration over the past several weeks and months.

One of the real impressions I get during this debate and discussion is that we are viewing people almost like cans of beans rather than human beings. The discussion is focused on whether the Soviet ceiling, is going to be 30,000, going to be 40,000 or going to be 50,000 without considering the human element.

And I know that in coming up here to consult with us there is a requirement to finally establish numerical ceilings, but it has just been my impression that humanitarian considerations have taken second place.

But you are very familiar that we have had a longstanding interest in the problems of Soviet Jews. I know of your own deep personal interest.

What we are really considering when we discuss admissions numbers is a generation that has been persecuted, whose parents, whose brothers and sisters, when they made any indication of their desire to depart, lost their homes, lost their jobs, and, in many instances, were sent off to work camps.

And, legitimately, we are trying to determine whether the Soviet Union's change in emigration policy is here and it is going to stay. All of us are hopeful that the freedom of movement and travel which so many of us have worked on is going to be, in fact, maintained and enhanced.

But I think with regard to those individuals who have applied to come, whether it is the ones that have been languishing in Rome or whether it is the other 15,000 that are back in the Soviet Union now and who have gone through the initial processing—these 40,000 who have made application are really responding to the commitment and the pledge of the United States. It is a longstanding commitment that past administrations, Republicans and Democrats, and Members of the Congress as well, have fought for, and this movement of people is in response to it.

Whatever the numbers are, they are people, I believe, in the Soviet Union at a time of evidence of increasing anti-Semitism in that country, and they are relying on us as a people are going to live up to our word, and then, secondly, whether we are prepared to allocate the resources to assure some kind of orderly processing.

I think what we are really talking about is the word of the United States, the fairness of the United States, the commitment that has been made to people who certainly have relied on the

statements of leaders here in the United States and who have put themselves at very considerable risk in terms of the kinds of recriminations that have taken place. But any changes in Soviet policy, these alterations have really come only in very recent times.

Even as we speak now, there still hasn't been final adoption by the Soviets of some of the laws that would protect individuals from the kinds of harsh recriminations that have taken place in the past.

And I just wish you would speak to this concern. It is more a matter of watching this issue and reviewing it over a long period of time, and recognizing what we are really talking about when discussing these particular numbers. What is your own view of this?

Mr. EAGLEBURGER. Mr. Chairman, I am glad you asked the question, and let me try to philosophize for just a minute, if I can, because I have been more than marginally disturbed by the press commentary over the last few days and, indeed, some of the questions asked in earlier hearings which give an impression that I think is totally erroneous.

Let me start by saying it is absolutely clear that the United States is to some degree a victim of its own success, and there is no sense trying to hide from that. After years of banging on the Soviet Union to let their people go, they have finally begun the process in some meaningful way of letting people depart.

And it is clear that the United States has an obligation to meet its responsibilities to help find places for these people to go to, and a large part of that means we have to find proper ways to help them emigrate to the United States.

But never, in all of the years that we were banging on the Soviet Union, was it ever said that the United States had the obligation to take everyone who left the Soviet Union. There is a Western Europe out there of democratic nations that ought to step up to its responsibilities. There is Canada, there is Australia, and there is Israel, as well as the United States. And your own law of 1980 says that it is an obligation of this administration to help to find other places for refugees to go to.

The United States, in my judgment, with what we have presented to you today, is trying to be as generous as possible with its 50,000 number, recognizing that we are in a new era and that in the years ahead we will have to deal with this issue and have to examine it on the basis of what we learn over the course of the next year, for example, and recognizing as well that one of the things that first needs to be cleaned up is, in fact, the Vienna-Italy pipeline problem that, before this hearing, and once I returned to the government I learned very quickly was a problem of substantial concern in this Congress, and for good reason, because it hasn't been a pleasant way to deal with these refugees.

And one of our first objectives is, in fact, to remove that problem by moving the people who are now in that pipeline, moving them as quickly as we can to the United States.

We are also trying to recognize, however, that it is a new time and a new situation, and that if we are going to avoid the continuation of the problems that arise with that pipeline issue, we need

to start issuing the rights to depart the—we need to examine that in Moscow.

It is a management problem, and I won't deny that, and we think we have established a process, including the Washington center and then an increased number of people in Moscow, which will be able to cope with the increased burdens on the Embassy in Moscow.

If it proves that we haven't done enough, we will have to do more. But my basic point, Mr. Chairman, is it is not that these are beans in some bean can. These are human beings, and they are human beings about whom the United States has expressed for a very long period of time great concern.

And now, because we apparently have convinced the Soviet Union that, in fact, it must deal with these people in a different manner, we are going to have to deal with the situation in a different manner, and we will do everything we can—despite newspaper comments which would criticize us for not all of a sudden being prepared to take every Soviet emigrant, we will do what we can to more than do our part, but within the context of a recognition that there are limits on our resources and that there are other countries in this world that also have an obligation to deal with at least a part of these refugee numbers.

So, in my judgment, sir—and, again, I am perfectly prepared to tell you we don't have all of the answers and we will have to see how the process works over the course of the next year. But our judgment is that we have taken a major step toward a much more orderly and, I think, in the last analysis, humanitarian way of dealing with this problem.

And I resent the implications that have been made in the press and in the other house in some of the other hearings that we have some heartless, niggardly, conservative approach to the problem. I just don't think that is right, and I certainly know from having been involved in the process of trying to come up with this program that that has not been in the minds of any of the people who have been trying to deal with the consequences of our success.

Senator KENNEDY. I am going to ask the staff to follow a 10-minute rule, if we could, please.

Let me just go back to this question of Soviet refugees, and then I want to move into other areas. The fact is, though, for the period of the last 10 years when there was just a trickle—anyone from the Soviet Union relying on the United States' commitment was admitted to the United States. So what you are proposing today is a change, and we understand the reasons for it. But we still see written on the faces of those individuals that they have suffered extraordinarily.

Now, there is a change; there is an alteration. And the real issue which must be remembered is the extent that these people have relied on the United States. They did feel that there were assurances by the United States, and now the rules have been altered or changed.

DEALING WITH BACKLOGS

Mr. Secretary, when we met with General Thornburgh, we talked about the backlog in Rome. At that time, it was about 10,000. We were given assurances that that was going to be cleaned up. It is larger today; it is going to get bigger. We have already spent $34 million, the American taxpayers have, in caring for the refugees waiting there.

What can you tell us about the Rome backlogs? I understand from your testimony now you are changing the processing to Moscow, but how much longer are we going to be leaving people in limbo in Rome?

Mr. EAGLEBURGER. The number, I think, we think we will have coming out of that pipeline, if I can call it that, is somewhere around 30,000, isn't that correct?

Ambassador LYMAN. Yes.

Mr. EAGLEBURGER. And our hope, I think, is to get that cleared out and all of those people moved by, what?

Ambassador LYMAN. During this fiscal year.

Mr. EAGLEBURGER. During the coming fiscal year. There is no question, Mr. Chairman, that——

Senator KENNEDY. How much is that going to cost; how much more? Do you know?

Ambassador LYMAN. Well, it depends on how fast we can move them. It cost $34 million for care and maintenance. Obviously, we are going to try and clear that up as quickly as possible. By not having new people flow into it, those costs will reduce gradually as those people leave.

Mr. EAGLEBURGER. Let me make a point with regard to that, Mr. Chairman. As we clear that process out, hopefully, at least, because the costs go down, it means that more money is available on the Moscow end of this process.

Senator KENNEDY. Well, the only trouble is, since our consultation with General Thornburgh last May, it only appears to have gotten worse, plus more costly, and that is a concern.

Mr. EAGLEBURGER. I understand that, and we will try to move it as fast as we can.

FUNDING SHORTFALL

Senator KENNEDY. Now, even with the 125,000 numbers which the President proposes, you are talking about a $58 million shortfall. Is this another one of these shell games where you try to leave the ball in Congress' court? Where are those resources going to come from?

I sure don't want to see, for example, discretionary programs such as the WIC Program or immunization programs that are in short supply even at the present time being raided. And this $58 million shortfall is just for the State Department aspect of the program; it doesn't consider what the costs are for HHS—the reimbursements to States and local communities.

So can you tell us, first of all, where you expect to get the money and, second, what the additional costs are going to be associated with these numbers through HHS?

Mr. EAGLEBURGER. I will have to pass on the second question and see if my colleagues can answer it. With regard to the first, Mr. Chairman, no, I can't tell you where we are going to get the money. I came up here to tell you that we are at this point $58 million short.

I asked the same questions of the staff that you have asked of me, and the best answer I can give you at this point is that we will be working hard in the coming weeks and months with regard to trying to find sources within the budget as it now exists. And if that isn't enough, we will have to come back and talk to the appropriations committees. At the moment, I cannot tell you where we will get all $58 million.

Ambassador LAFONTANT. Mr. Chairman?

Senator KENNEDY. Yes.

Ambassador LAFONTANT. The person who has just come to the table——

Senator KENNEDY. If you could respond just briefly, because I have about 3 more minutes left and I have got several other areas to cover.

Ambassador LAFONTANT. His name is Philip A. Holman. He is the Director of the State Department's Bureau for Refugee—no; he is the Acting Director of the Department of Health and Human Services Office of Refugee Resettlement.

Senator KENNEDY. Why don't you submit the numbers, because I do have three or more areas I would like to get to. Can you give it to the staff just now?

Mr. HOLMAN. I would be happy to.

CENTRAL AMERICAN REFUGEES

Senator KENNEDY. Mr. Secretary, in looking for asylum between, for example, Nicaragua and El Salvador, you have given asylum to 54 percent of the Nicaraguans and 3 percent of the Salvadorans even at a time when the death squad activity has gone up in El Salvador and when a good deal of the fighting has gone down in Nicaragua. Are we putting ideology in first place in a program that is basically supposed to have objective criteria?

Mr. EAGLEBURGER. Mr. Chairman, with all respect, at least my figures are different than yours with regard to Nicaraguans. The figures I have are somewhere around 20 percent rather than 54 percent.

But, anyway, it is our view that there is still a substantial difference in the conditions in the two countries. Death squad activity going up in El Salvador—I would have to argue that I don't think that is, at least, in our judgment, an accurate description.

But over a longer period of time, it is fairly clear that in the Duarte administration in El Salvador, and I think thus far basically within the Christiani administration in El Salvador, it is our judgment that the conditions internally in Salvador have improved, basically, though there is no question—and I want to make it clear that we are concerned about death squad activities and about some of those in the Irena party to the right of that party who have been told by us on numerous occasions that their activities must be carefully watched.

Our view still is, though, that with regard to the question of political refugees, the Nicaraguan situation is worse than that in El Salvador.

Senator KENNEDY. Talking about 1988, the State Department country report reports instances of severe beatings, rape, choking, subjection to unidentified electric shocks.

The 1988 figures for Nicaraguans granted asylum was 2,800; it was a 54-percent approval rate in that year. As I understand, it was an 85-percent acceptance rate in years previous to that.

Mr. EAGLEBURGER. It has gone down in the most recent figures, Mr. Chairman.

CONTRA RESETTLEMENT

Senator KENNEDY. Let me go to what is going to happen to the Contras. How many thousands of those and their families are going to want to come to the United States? Are you making any estimate now on that issue? How many do you expect to be resettled? Do we now consider them refugees or a fighting force?

Mr. EAGLEBURGER. We are at this point making no estimate on who may want to come to the United States. Our view at this point is that the priority must run as follows. Our first effort is to reintegrate those people back into Nicaraguan society. To the degree that is not successful, we will have to examine the possibilities of integration into the societies in Central America. If that is not successful, we will have to look at the question of those who may wish to come to the United States.

But, Mr. Chairman, with all respect, precisely in order to avoid the impression that there is some alternative to reintegrating into Nicaraguan society either on the part of the contras or on the part of the Sandinista government, it is an issue that at this point we want to make very clear that our objective is to reintegrate into the Nicaraguan society, and if that is not possible, we will talk to Central American governments about integration into the Central American societies. And to try to be more precise at this point works against, I think, everything we are trying to accomplish.

Senator KENNEDY. Senator Simpson.

Senator SIMPSON. Ten minutes for me?

Senator KENNEDY. That is right.

Senator SIMPSON. Oh, OK.

Senator KENNEDY. Take what you need, Al. You manage to get it done a little quicker than I do.

Senator SIMPSON. Well, that is because I sat there all those years and you would just come in and make a statement and get out.

Mr. EAGLEBURGER. I will try to answer faster. How is that?

Senator SIMPSON. Oh, yes, that would be helpful. [Laughter.]

SOVIET EMIGRATION

Senator SIMPSON. Ted Kennedy and I have been through lots of stuff on this one, and it must give him a sense of frustration to see the piece of work that he put together distorted. That is what I think I would feel if I saw the Refugee Act of 1980 messed around with like this.

And he has constituencies which do not give him the freedom to operate. I don't, and that is why we make a nice combination.

But I can tell you this: The right to emigrate does not include the right to enter the United States or any other country, and I think the world needs to be aware of that. That is reality. What are we talking about here?

We didn't make that clear, apparently, with regard to Soviet human rights and emigration, but we have fulfilled every single obligation of this country. And will continue to do that with those people who are in Rome: we have offered them humanitarian parole. What more do you do? Nothing; there is nothing more to be done. It is absurd. What an adventure in emotionalism.

We have kept our commitment. No one has ever kept it more than we have. We have fulfilled every obligation. We will continue to fulfill it and offer them humanitarian parole, which is something we got rid of when we did the Refugee Act of 1980, and we have gone back. I am ready to go back so we can keep the promise. But, for heaven's sake, the charge of restrictionism is absurd, wherever it is coming from.

And then, Mr. Chairman, that Washington Post story, one important part of the quote was left out. It stated that Jewish community leaders and Members of Congress strongly protested the remarks, and what the Ambassador said was: "Could always go to Israel or return to Russia. In these days of glasnost, that is not an impossible thing," That little part was left out about Israel—just a quick review of that.

No one is saying that Soviet emigres who have already left the Soviet Union must return. There is not a person in the United States saying that. U.S. policy offers them either refugee status or the right to enter under this public interest parole, and there is no change in that. If anybody wants to question that, ask somebody.

However, the Ambassador, I think, speaks an important truth. For some Soviets, the choice of going to Israel or remaining in the Soviet Union exists, and it is consistent with U.S. law. That is a reality and we must not forget that.

And we should not forget that Israel is a country of first asylum. No other group on Earth gets two choices. There is no other group of refugees on earth that gets two choices of a country of first asylum, just Soviet Jews. I think that we forget that. I think it is a critical thing to try to remember as we deal with this stuff which whirls around with, as I say, emotion, guilt, fear, and racism.

I can't vouch for the validity of this observation, but I have heard that some Soviet refugee applicants would remain in the Soviet Union if they could not gain entry to the United States, even if Israel were to offer them a visa. I have talked to people like that in the Soviet Union; they are all out now.

An exit permit and a visa to Israel is what is produced in the Soviet Union, and yet only 10 percent of the people go there; 90 percent go to the United States. When we process them in Rome, we take 85 percent of them, and 15 percent perhaps are rejected. That is a great irritation to Israel, and a conflict is going on between the American Jewish community and Israel. That is where the conflict is, and it lops over into us.

It is a great irritation, and justifiably so. They need that remarkable base of Soviet Jews to enrich their nation state, and they do not come to Israel. I think we can assist in seeing that they do, and I don't see that as a violation of anyone's rights or, as the Secretary says, a niggardly approach to human beings.

Those are the realities of what we deal with here, and if that is the case where a Soviet refugee applicant would remain there even if they had a visa to Israel, I think that says something about the level of persecution in the Soviet Union. That person has apparently decided that it isn't bad for them.

I strongly disagree with those who would allow special-interest groups to set our national refugee policy, and I think that, very unfortunately, the criticisms of you, Ambassador, border closely right on that result.

Secretary Eagleburger, you mentioned the problem of persons leaving their homelands, not because of persecution, but because of the prospect of a freer and better life of resettlement in America. And you observed that if they do not qualify as refugees, they find themselves, as you say and Senator Kennedy has said, in limbo.

SOUTHEAST ASIA

Well, we have seen that in Southeast Asia where the advocacy groups have insisted upon review after review after review after review of rejected cases at Khao-I-Dang. We have seen that in Rome where Soviets who do not qualify are backing up by the thousands. Again, the advocacy groups protest these rejections as "unconscionable."

In both cases, it became a domestic political problem and a foreign policy problem for the administration. We responded by offering to take about half of all the nonqualifying long stayers in Southeast Asia and by offering all, every single rejected Soviet applicant parole into the United States. That is what we did.

It is not just a problem for the refugee; it is a problem for our country, and it came from diddling with the Refugee Act of 1980. It comes from a pretty potent operation within the voluntary agencies who really know how to crank it up.

I think we also have to remember that every single Soviet national in Rome has this offer of admission. The only question is—and here is where the rubber hits the road—does every emigre receive full Federal benefits through a grant of refugee status? The Jewish community is moving beautifully to pick up that vacuum—10,000 Soviet refugees are going to be privately funded. They know what they have to do.

There is an obvious answer. Our refugee funds are finite, and thus we must take true refugees as refugees and the balance as immigrants, and that is the way you do your work honestly.

CENTRAL AMERICA

And then Senator Kennedy talked about El Salvador and Nicaragua. I would have hoped we could have escaped that today. That is a political hammer throwing contest. If you don't like Ronald Reagan, you are still talking about death squads. Sure, that was topical in 1981. But go look at the study 3 years ago where they

actually interviewed the people that were sent back and found how many deaths there were. It was a minuscule amount. One would be too much, but few were killed in conflict most in bar room fights or a soccer match. Go read that report.

Why wouldn't there be a difference in El Salvador and Nicaragua? You have got 10,000 people a month flying back and forth to El Salvador on TACA Airlines. Good grief. I mean, it just boggles your brain around this place—10,000 people a month voluntarily move back and forth.

And do you know the first thing an asylee does from El Salvador after they get the magnificent grant of asylum? We are told by people who are in the various voluntary agencies that the first thing they want to do is go home to El Salvador for a holiday, or business, or a vacation. Now, that is real life. So let us kind of get the stuff out of the vapors here and do our work, which is tough to do.

Why wouldn't there be pressure from outside on this refugee issue? The State Department puts up $665 for every single refugee resettled by a voluntary agency—it is called an R and P grant. Do you think those agencies want to see that shrivel up? Not quite.

And so we forgot everything we started with, what you do with refugee flows through the history of the world. You start with repatriation. That is what you start with, and then you have settlement in the country of first asylum, and then you have third country resettlement.

We have got it all screwed up; we have got it backwards. First is third country resettlement, then settlement within the country, and last is repatriation. I know that is tough stuff, but it is as close as I can get to the reality of what we try to do here in, hopefully, a sensible way in the midst of the miasma of stuff that floats in this place.

RESETTLEMENT VERSUS ASSISTANCE

The chairman has been gracious, as always—let me just ask one question of the Ambassador. You noted in your testimony that the United States contributed to international relief assistance for 14 million refugees worldwide. That is an essential, life-saving program, a function of our refugee program. Yet, it doesn't receive any notice at all because, unlike refugee admissions, which cost us $7,000 to $8,000 per person, there is a much smaller special-interest group constituency for that other kind of aid because it is only 79 cents a day to take care of a guy abroad for a whole day.

One $7,000 to $8,000 third country refugee bill could take care of hundreds of people in another country, the country of origin. I don't understand that. At what point does our refugee resettlement program that is so visible—as if that is the only thing you were ever supposed to do in life, prejudice our international lifesaving activities where you can get 10 times, 100 times, the bang for the buck, and are we getting close to that point today?

U.S. CONTRIBUTION TO ASSISTANCE

Ambassador LAFONTANT. Thank you so much for your comments. Yes; we work very closely with the entire international community.

Last month, I met in Geneva with our U.S. High Commissioner for Refugee Affairs, whose money is certainly limited, and we were discussing ways of getting additional help from other countries to help cover the assistance program; that is, people who are starving in Africa and all over the world.

You are so right. What we do there doesn't get the publicity that it should. I sort of feel, however, that our Government may be a little remiss in not telling our story better, not reaching out more ourselves to the private sector so they can help and get our story across.

We should not be on the defensive all the time. All the wonderful work we are doing—we should be up here beating our chests. But, instead, we are on the defensive that we are not doing enough, and a lot of it is because people don't know what we are doing because, as you say, we don't have the groups here fighting for those poor people who really look to the United States in life-and-death situations.

We are the biggest contributor worldwide for assistance to people who are dying overseas. That story has to be told, and I think one way to tell it is our Government itself, but also we have to reach out to the private sector, engage their help and get them to help us in telling the story because it is expensive to even get the story across.

We are so busy doing our job and trying to get additional assistance from other countries. We have brought in other countries who are contributing large sums of money to these international organizations, but you are right; the United States is carrying the biggest burden.

On resettlement, too, we have reached out and gotten other countries involved in resettling refugees, and we can do that more here as the Soviet Jewish situation develops.

Senator SIMPSON. I appreciate that, and I just have one question of Secretary Eagleburger and then I am through. I think one of your roles as Ambassador is to tell that story, and you have every ability to do that.

Just one, Secretary Eagleburger. As we move this processing of applicants from Rome to Moscow—and I support that—however, I have heard some criticism of that because some groups are worried that Soviet refugee applicants are going to not be able to "speak as freely" about their mistreatment if they are interviewed in Moscow.

I think that concern is valid. But I believe the State Department's budget is not well spent on room and board in Europe. I certainly feel that, and it is not fair to the Italians or the emigres to have thousands of them stranded there.

EXPENSE OF ROME PROCESSING

But how expensive is the Rome refugee processing program, and what other items of foreign policy importance might that money be spent on?

Mr. EAGLEBURGER. Well, I think the money we save there—and what is it now, about $3,500 a person?

Ambassador LYMAN. Yes.

Mr. EAGLEBURGER. And we figure by shifting to Moscow, we can probably get it down to less than $1,500. I think at this point, Senator, the money that is saved by moving away from the Rome process would best be spent by shifting it to dealing with the costs of handling Moscow and increasing numbers of people directly out of Moscow.

I don't think we should contemplate at this point, at least, shifting that money to some other foreign policy objective beyond which, I suspect, in the process of trying, we would hear from some of your colleagues up here that that wasn't where it should go.

Senator SIMPSON. Thank you.

Mr. EAGLEBURGER. May I make a comment on something you said before we pass on?

Senator SIMPSON. Yes.

Mr. EAGLEBURGER. During the process of trying to put together our approach on the Soviet Jewish emigre problem, we talked to a host of different American Jewish organizations. I don't want to imply that there was unanimity of view, because there wasn't, but I would say, and I think it is a fair statement that my colleagues can comment on who did most of the consultation, that there was understanding on the part of most American Jewish groups about what it was we were trying to do, and that, in fact, there was no violent, strenuous, across-the-board objection to it. And in a number of organizations there was, in fact, support for the changes that we have made.

I met with three different Jewish groups yesterday, two of whom are directly associated with Soviet Jewish issues. And, in fact, I can say with regard to those two that they both endorsed what we were trying to do. So I would make the argument, at least, that there is certainly no monolithic American Jewish community view against what it is we are trying to do.

Senator SIMPSON. Thank you, Mr. Chairman, for your courtesy.

Senator KENNEDY. Senator Metzenbaum.

NUMBERS FROM THE SOVIET UNION

Senator METZENBAUM. Mr. Secretary, let me just get you again in capsule form to tell me how big you see the problem and what impact our Government's position will have in dealing with the problem. In other words, what is the extent of the number of refugees that you see wanting to come to the United States from the Soviet Union? And, as I understand it, the numbers you are talking about are 50,000 and the rest will have to make out for themselves. How big is the problem?

Mr. EAGLEBURGER. Senator, as long as you understand a lot of this is guesswork.

Senator METZENBAUM. I understand.

Mr. EAGLEBURGER. I can't give you exact figures and, again, subject to correction by my colleagues here who will do so at great risk to their careers, but nevertheless we have, as you know, somewhere around 30,000 now in what we call the pipeline in the Ladispoli and Vienna process. Those are clear and those, we will take care of under this proposal.

That leaves us maybe 20,000 numbers at this stage for the next fiscal year for Moscow. Our guess, our estimate is that we will get 125,000—that is a guess, maybe more—applications in the course of the next fiscal year for emigration to the United States. It may be more; it may be less as the information on shifting our process becomes more universally known in the Soviet Union.

But let me go beyond that. Assuming Gorbachev stays in power, assuming glasnost and perestroika continue to be a part of the policy of the Soviet government, I would have to tell you I think we can expect increasing numbers in the years out from 1990.

I couldn't give you a guess, but again I would say 125,000, 200,000. I cannot go beyond that. It would be totally guesswork, but it is in the hundreds of thousands.

CONSIDERATIONS IN RECOMMENDING 125,000 ADMISSIONS

Senator METZENBAUM. Now, in the administration arriving at a policy position, and I am sure you were a party to it, what are the considerations that are taken into account? In other words, it is a matter of impact upon the American economy? Is it a matter of cost to the American Treasury, or what are the other considerations?

Mr. EAGLEBURGER. Several as far as my own involvement in it over the course of the last 6 months, so let me recite those, again, to be added to. I think the first—well, several considerations were at the heart of the recognition that we needed a change.

As I said earlier, I think, Senator, maybe before you came here, we are victims of our own success to some degree. There has clearly been a tremendous increase.

Senator METZENBAUM. I heard that.

Mr. EAGLEBURGER. And we recognized we simply couldn't go on the way we were and we had to sort through the problem.

Senator METZENBAUM. You have got to tell me why we couldn't go on the way we were. What are the factors?

Mr. EAGLEBURGER. Those are the issues I am coming to. I must say never once in our discussions did I ever hear a discussion of the impact on the U.S. economy raised as one of the issues. Now, there are some here who will say that is a typical State Department response to the problem. I understand that, but it was not raised in our discussions that I ever heard.

But budgetary constraints, the fact that we are squeezing like the devil—and I have lived with this for the last several months—to get a 150-account budget, a State Department budget that will meet our broad foreign policy objectives, and we are going to run short as it is—so that one of the pieces of this issue was the question of the money available.

Another issue, and one on which there was a good bit of discussion, is what is the obligation of the United States with regard to taking all of those who wish to emigrate from the Soviet Union. And there was a recognition, No. 1, that Israel certainly had a place and a role to play in this, and my strong feeling that we have not done enough and must do more with regard to convincing Western European democratic governments that they need to do more; there are the Canadian and Australian alternatives.

It was then an issue, in part, Senator, of trying to recognize that we have an obligation to take as many as fiscally we can manage, and I should also say mechanically, in the sense that it is not a surprise to anybody, I think, that we have problems in terms of space in our embassy in Moscow and how many people we can house and how many people we can put in there under ceilings to deal with this issue.

But it was as well very much a question of there are other countries in the world that also have an obligation to take some of this increased number.

Senator METZENBAUM. I respect that point of view about other countries having a responsibility to open their doors, and I think you are 100 percent correct. With respect to whether they should go to Israel or the United States, I think I would be inclined to—if I were voting, I would say I would like to see them go to Israel because I think Israel could use that influx.

But, on the other hand, I recognize the right of the individual to decide for himself or herself where they want to go, and not for me as a U.S. Senator or possibly for you as an Assistant Secretary of State to decide where they should go.

So as I see it, it comes down to a great extent to the matter of budgetary constraints.

Mr. EAGLEBURGER. That is part of it.

RESETTLEMENT LOANS

Senator METZENBAUM. And this may be radicalism on my part, and I will probably get hell from some who would not look favorably upon the thought, but when we lend money to a student to go to college, we get them to pay it back. When we have doctors for whom we provide assistance, we get them to provide two years of community service.

My question is how radical would it be: First, to expect of those who come in under the refugee assistance program to make some commitment to repay the money when and if they find a job in this country and, second, a consideration for going over the 50,000 by perhaps individual guarantors of the repayment obligation?

There may be many who would totally disagree with that concept, and yet I don't find it inimical to my own concepts of what is right and what is wrong and I would just like to get your reaction.

Mr. EAGLEBURGER. Well, this is a personal reaction which others, again, who are more expect should also comment on. I am told in a note that was just slipped under my nose that refugees are now asked to repay their transport costs when they can, and I find myself no particular—just thinking about it quickly, no particular objection to the point you make, although I would point out, and this is a mechanical problem, I recognize, not a fundamental resource problem, but because those monies are paid back does not mean that it goes into the State Department budget. So we are still going to have our budgetary constraints each year as the budget is passed.

Senator METZENBAUM. Well, we could so provide.

Mr. EAGLEBURGER. You could, Senator; yes, you could. But let me ask my colleagues to comment if they have any additional points to make on this subject.

Ambassador LYMAN. Well, I think, as the secretary said, we do ask——

Senator METZENBAUM. Could you pull the mike a little closer, please?

Ambassador LYMAN. I am sorry. We do ask the refugees now to repay into a revolving fund the costs of their transport to the United States. There have been problems of followup with that, and yesterday in our hearing on the House side some people were concerned, or expressed a concern that the voluntary agencies who are working so hard on resettlement are also asked to go out and become collection agencies, following up on people well after they settle.

Nevertheless, the principle is there, and in fiscal 1989 there was $15 million paid by refugees back to the revolving fund for the transportation costs.

Mr. EAGLEBURGER. Senator, could I reserve on this? I would like to think about it a little more with these people and submit something for the record on it, and the broader question you have asked.

Senator METZENBAUM. I would like you also to explore the idea of going beyond the 50,000 in those instances in which individual guarantors might be found for those individuals. There might be many who just feel that we ought to have this open-door policy, that we ought to absorb the costs. And yet I don't have any difficulty at all in saying to somebody who comes to our shores and then finds a job that they ought to have some responsibility to pay it back, and whether or not a guarantor is used or not in order to get beyond the 50,000 figure, I would like your thoughts on that subject, Mr. Secretary, because I think there is some reason, at least, to consider that kind of an approach.

Mr. EAGLEBURGER. We will look at it.

COST OF CONTRACT LABOR FOR SOVIET PROCESSING

Senator METZENBAUM. Let me ask one more question. How much more is it costing our Government to provide contract labor to be doing the interviewing and the work in Moscow than if we had direct employees?

Mr. EAGLEBURGER. I have no——

Senator METZENBAUM. It is my understanding it is funneled out to a corporation, some business company. That business company then hires people. They get far less than the Government pays the contracting corporation, and I am just wondering what is the useful purpose in going that route, and whether we couldn't be saving some money at the State Department level.

Mr. EAGLEBURGER. This is Mr. Funseth from our refugee office.

Mr. BARRY. Barry.

Mr. EAGLEBURGER. Oh, Barry; excuse me, Ambassador Barry. I will get shot if I don't remember that.

Mr. BARRY. Senator, we pay the contractor, which is called Pacific Architects & Engineers, to provide contract labor not to do the

actual interviewing, but to do some of the supporting work, in fact, all of the work that used to be done by local employees in our Embassy in Moscow.

The contract employees get about $20,000 a year, plus room and board. The contractor gets a figure for each of these employees which is substantially higher. I don't know exactly how much higher.

Senator METZENBAUM. How much higher?

Mr. BARRY. I couldn't give you that figure. I could find it and submit it for the record.

Senator METZENBAUM. Mr. Ambassador, I was on a plane the other day and a young lady told me she had been one of those contract employees. And as you said, she gets $20,000 a year, plus room and board, not a tremendous amount.

But I have a hunch that you are paying this company—what are they called, Pacific what?

Mr. BARRY. Pacific Architects & Engineers.

Senator METZENBAUM. For providing the U.S. Government with employees that the U.S. Government is fully capable of hiring directly. And I would ask you, Mr. Ambassador, to provide this committee with a breakdown of what you are actually paying Pacific Contracting, not alone for these interviewing people, but I understand, how many people do they hire over there besides these people? Do I understand they hire the janitors and the workers, the telephone operators?

Mr. BARRY. That is right. All of the people who replaced the Soviet local employees—that is, the drivers, the plumbers, the translators, the people that do the supporting work in the consular section—are hired by Pacific Architects & Engineers. They are, for the large part, young Russian language students, and this was the way that we found to deal with the fact that we wanted to have Americans do that work and not have Soviets do the work.

Senator METZENBAUM. Why do we need a contractor to hire these people and, as you say, at considerably higher—and my guess is maybe double—what you are paying the individuals?

Mr. BARRY. I think that is undoubtedly correct. The reason that we chose a contractor in the first place to do this was because they do much more than just hire them. They recruit them, they train them, they send them out to post and they pay the transportation, and all that is included in the overhead.

Senator METZENBAUM. How did you happen to find this one company?

Mr. BARRY. I wasn't around at the time, but it was through a system of competitive bidding.

Senator METZENBAUM. Well, Mr. Ambassador, I would like to have you inform the committee as to what the costs are per employee, how it relates, what you pay for a telephone operator, what you pay for a janitor, what you pay for an electrician, as compared to what those employees—or for an interviewer—what those employees are actually receiving, and give us some explanation as to how much extra this costs the State Department to do it this way rather than to do the direct hiring.

Mr. BARRY. We can certainly do that, Senator.

Senator METZENBAUM. May I have that, how soon?

Mr. BARRY. I would say——
Mr. EAGLEBURGER. You will have it by Monday, Senator.
Senator METZENBAUM. That sounds good, that sounds good.
Mr. BARRY. He will give it to you.
Senator METZENBAUM. Thank you.
Senator KENNEDY. Senator Specter.

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. Thank you, Mr. Chairman. At the outset, I think it is important to note that the issue as it relates to the Soviet Union is really significantly broader than Soviet Jewry. There are Evangelicals involved; there is very active participation by the National Association of Evangelicals. The Armenians are involved, and the Pentecostals are involved. So we have a much broader question.

I appreciate the testimony which has been given today, and I know that there was perhaps a tough line of questioning in the House yesterday and perhaps not so much so here in the Senate today. We are trying to give you our views, which is really in line with the laws which call for consultation between the administration and the Judiciary Committee here. The 1980 act requires that, to set various numbers as to who will be permitted to come into the United States. And then, of course, the administration makes a determination, but that is subject to change, as we have just had legislation on an immigration bill.

Secretary of State Baker has pledged to consult with the Congress on matters of foreign policy, including immigration, and what we are seeking to do here today is to give you a sense of what we think the priorities ought to be. And you will not find unanimity even among the six Senators who are here today.

And my distinguished colleague, Senator Simpson, has noted the difference in constituencies between Senator Kennedy and Senator Simpson, and I have different constituencies besides, and there are issues involved other than constituencies.

At the outset, I want to say for the record that I have a bias, so to speak. My father came from Russia—that was before it was the Soviet Union—in 1911, and my maternal grandparent came to this country from a territory which is either Russia or Poland, depending upon which map and which year you look, when she was 5 years old.

And there are many in the Congress, just as there are many, many in this country, who have a very strong view about generosity on the immigration policy. We just had an immigration bill, and we have had legislation in a number of directions.

On July 20 of this year, by a vote of 97 to 0, there was an amendment to the foreign relations authorization bill which took issue with the way the administration was handling the situation with Soviet Jews in Rome, and the amendment passed, 97 to 0, to direct that refugee applicants be evaluated, "with the strong likelihood of qualifying," due to histories of persecution. So, that is a pretty strong statement by the U.S. Senate.

The immigration bill which was drafted by the committee where Senator Simpson and Senator Kennedy sit proposed a generous

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bill, but when it got to the floor of the Congress, it was made even more generous. There were changes. There was a consideration about giving a preference for those who spoke the English language, and in the committee it lost, I think, by a decisive vote; I think it was 10 to 2. And on the floor, it was rejected.

There was an amendment offered by Senator Hatch to say that there should not be a lesser number than under existing law, which was 216 visas allotted to family-connected preference immigrants. I wanted to state that correctly, and that is from the Congressional Record.

I offered an amendment to increase the number by 30,000 of those who were professionals and scientists, and that passed as well. And Senator Kennedy and Senator Simpson noted in their closing remarks how the Senate as a whole had made significant shifts.

And I think that Senator Simpson is exactly right when he said there is a right to emigrate, but there is not a right to enter. That is true, but then the question arises as to what will the public policy in this country be and what will our laws be on allowing people to enter.

I make that somewhat extensive introduction to give you my sense of where the Congress is on this issue. And I appreciate what Secretary Eagleburger has said, and I would say to the secretary and to you, Ambassador Lafontant, that we respect your good faith efforts here.

And I am not sure that the secretary accurately reads the Jewish groups with whom he met, or the national Jewish community, because I hear different comments. I also hear different comments as to what the Evangelicals think, and the Pentecostals, and the Armenians.

My own sense is that there is real dissatisfaction with what is happening today. It is not the fault of the administration. You face enormously tough problems, and I want to ask just three questions with that introduction.

Secretary Eagleburger says that in his testimony today, "If we haven't done enough, we will have to do more." And there is a comment that I don't disagree with about what other nations ought to do, but speaking for myself, I am not prepared to rest on what they do or do not do.

I hope they will do more, and they should do more, but if they don't do more, then it may come down to the United States of America as the last refuge. I think we do a lot more than our share on many, many lines, and I think we have to do it here as well.

The Washington Post today quotes Martin Warrick saying with respect to the meeting that he had yesterday with Secretary Eagleburger, "He assured us that there was no attempt to suggest that Soviet Jews return to the Soviet Union, and that no one in Rome would be denied the opportunity to enter this country,"

Now, let me just focus on the latter part of it, "No one in Rome would be denied the opportunity to enter this country." My question for you, Secretary Eagleburger, is is that an accurate quotation.

Mr. EAGLEBURGER. Yes, it is.

Senator SPECTER. And does that reflect State Department policy?

Mr. EAGLEBURGER. It is an accurate quote and I am devoutly hopeful that it is State Department policy; yes, it is.

Senator SPECTER. Well, I think that that says all that there needs to be said on that subject. I just hope that that word will go forth. I believe that it is—and I know you agree with this, the witnesses who have testified today, how tough it is to be in Italy waiting for some determination to be made. It just staggers the mind to think about that.

And the statements which are made in this hearing and the statements which were made yesterday will be read by thousands of people, perhaps millions of people around the world who have the hope of coming to the United States, and they will be materially affected by what officials of the U.S. Government say.

I understand, Ambassador, what you are saying here today that you were really responding to a theoretical question as to what the alternatives are when you were quoted in the Washington Post where it says that 5,000 Soviet emigres to Italy and Austria who have been denied United States entry could, "always go to Israel or return to Russia; in these days of glasnost, that is not an impossible thing."

And I think your statement here explains that you were not telling people that it is United States policy that they should go back to Russia. And I hope that your statement today, which clarifies that and says you were talking about theoretical legal alternatives—you are not talking about U.S. policy and you are not talking about your feelings. You don't think they ought to go back to Russia. You think that there ought to be other provisions made for them. I hope that will receive equal coverage so people will not say that a high official for refugee issues is telling us to go back to the Soviet Union.

The question I have for is this, Ambassador. You are quoted in the New York Times on your testimony yesterday to this effect: "She," referring to you, "rejected suggestions for an increase in the quota of Soviet refugees, saying, quote, 'we would do a disservice to the refugee program if we were to allow it to become distorted by public desire to respond generously to the current surge in Soviet emigration.' The first question is were you accurately quoted.

Ambassador Lafontant. As I recall, I think it is somewhat accurate.

Senator SPECTER. Then let me ask you——

Ambassador LAFONTANT. I would say I think it is accurate because it is my belief that——

SHOULD NUMBERS BE HIGHER?

Senator SPECTER. Let me pose a question to you, assuming that the quotation is accurate, because my sense is different than yours and I want to have a discussion with you on it.

You cite a public desire to respond generously to the current surge in Soviet immigration. I think you are accurate on that. I think there is a response of generosity. I sense that from my contacts with the public, and I have very extensive open house town meetings throughout the State on a continuing basis. We just finished the August recess.

You have the congressional response, which took a very generous committee bill and made it even more generous. And if there is a public sense of generosity and there is a congressional sense of generosity. You have Representative Hamilton Fish yesterday saying that we ought to have 100,000 instead of 50,000—it is not Democratic or Republican on this issue; it crosses party lines and there are individual differences—Why shouldn't the administration respond generously to the public view and the congressional view and increase the numbers of refugees who can come into this country?

Ambassador LAFONTANT. Well, let me say thank you very much; it is good to appear before you again. The refugee policy is not made in a vacuum. We have to address the refugee issues, the assistance issues, worldwide and, yes, we want to be generous to everybody.

But since I have been in this D.C. environment, I find that our generosity is not unlimited. We have something called budget restraint, and when we set these standards and these numbers, we cannot address just one group without thinking of others who are involved, and that is all this statement really meant.

Sure, I personally—we have 14 to 15 million refugees and displaced people throughout this world, and I dare say that most of them would love to be here because, rightly or wrongly, they think this is a haven. I assume we cannot take care of all the needy people in the world, and so we have to make some determination of need, but who needs the most.

And, surely, we take into consideration the sudden surges from all over this world, but in our good judgment, sitting in consultations with all the people who are involved in setting policy who know the situation much better than I do worldwide, they have come up with these numbers.

And, surely, we have taken into consideration the surge from the Soviet Union because they take up 40 percent of our total numbers. We have agreed to admit 125,000, and 50,000 of those come from Soviet Russia. So all I am saying is we have to take into consideration others in setting our policy. I am not saying much more than that.

MOSCOW PROCESSING

Senator SPECTER. I have a third question, if I may ask it, Mr. Chairman. This is for Secretary Eagleburger and it refers to the decision to shift the processing to Moscow as opposed to Vienna and Rome, a policy that I have a sharp disagreement with because in Moscow the atmosphere is very different.

It is very recent that the persecution was open and notorious, and now the persecution may not be open and notorious, but perestroika and glasnost are really not firmly established in the Soviet Union even with Mr. Gorbachev, let alone with the bureaucrats at the lower levels.

I had the opportunity to travel to the Soviet Union as recently as 1982. I would like to go there again, but at that time I met with refusniks under very hushed, clandestine, secret circumstances in Moscow. In Kiev, I couldn't even meet with refusniks in anybody's home; they wouldn't get together. My wife and I met with a refus-

nik on a street corner under circumstances which would assure that he wouldn't be detected.

And here you have lower-level Soviet bureaucrats and officials who are very much in disagreement with Gorbachev and glasnost and perestroika, and you are putting the administrative process in the Soviet Union where people are afraid to talk, afraid to give the circumstances of their interest in leaving the country, contrasted with Vienna or Rome where there is a much better atmosphere.

It seems to me that the information to be obtained in these applications is much more adversely affected in the Moscow setting than in Rome or Vienna. And I would urge that reconsideration be given to that judgment, and my question is why is it necessary to make that kind of a fundamental change, considering the restrictive and chilling effect that it will have on those who are filing their applications.

Mr. EAGLEBURGER. Senator, first, I take note of what you have urged us to do, and obviously we are serious about this being a consultation. We will look at the whole question again, but let me give you our judgment as to why it is important that the shift be made.

I think, to some degree, it is a question of tradeoffs. First of all—and I do not contend at all that this is a permanent change. I think you would find the atmosphere in the Soviet Union somewhat different with regard to refusniks being prepared, for example, to see people in public circumstances as against 1982. I don't want to make too much of that, but I do think there has been some change.

Second, we will take whatever steps we can to assure that interviews within our Embassy in the Soviet Union are confidential. I would recognize the point that you make that interviewing in the Embassy in Moscow may not be considered to be quite as free and open as in Italy. That, I can't argue with.

Senator SPECTER. Especially considering the bugs and listening devices notoriously described.

Mr. EAGLEBURGER. I knew that was—that is a part of the problem, but it is a part of why I said we will take what steps we can to see that the interviews are conducted in a confidential and private manner.

But there are some other factors involved as well, the first of which is I don't think anybody thinks—well, I shouldn't say anybody. Let me put it this way. Looking at conditions for these people in the process we have been using through Vienna and Rome and the way they pile up in these camps, I have myself—and I know Ambassador Lafontant has been to see these institutions—I myself have felt for a long time that we were getting into a very inhumane process in which people had left the Soviet Union, were living in less than ideal conditions, and that indeed the problems of that process were, therefore, increasingly difficult on the people involved.

There is another factor. To have left the Soviet Union under an Israeli visa means that when you leave and go to Italy, you have sold your property, turned over your—you leave with nothing, so that there is, in the process of departure from the Soviet Union, a pretty substantial personal sacrifice made against the assumption that when you leave, you will be taken care of.

Given the increased numbers, given the problems that Ambassador Lafontant has already described with regard to budgets and overall worldwide considerations on refugees, I would argue that there is at least a pretty strong case to be made that permitting these people to apply for their visas, for their refugee status, in the Embassy in Moscow at least eliminates that fairly substantial personal sacrifice which has to be made against, I think, in the new situation we have, increasing uncertainty as to where they go once they have left the Soviet Union.

And, finally, I would make an argument that to some degree is less the case now, but nevertheless should be remembered, and certainly in the past was part of the issue. Once you have applied to leave in the first place, you have told everyone in the Soviet Union, and particularly those bureaucrats that you are talking about and those lower-level authorities, that you are desirous of leaving.

So I will not argue your point that it could be a more relaxed atmosphere in which you are interviewed if you are in Rome. We will do everything we can to make sure that confidentiality is maintained in Moscow.

But these other considerations, I think, also have to be weighed in the balance, and that is why we came to the conclusion we did.

Senator SPECTER. Thank you very much.

Senator KENNEDY. Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman. I want to explain my absence. I was assisting managing the Military Construction Subcommittee appropriations bill on the floor of the Senate.

I do have a statement that I want put in the record, Mr. Chairman.

Senator KENNEDY. It will be so included.

[The prepared statement of Senator Grassley follows:]

STATEMENT OF SENATOR CHARLES E. GRASSLEY

COMMITTEE ON THE JUDICIARY
ON THE SUBMISSION OF THE ANNUAL REFUGEE CONSULTATION

SEPTEMBER 15, 1989

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MR. CHAIRMAN, THANK YOU FOR HOLDING THIS HEARING THAT WILL ALLOW US TO REVIEW THE ADMINISTRATION'S REFUGEE POLICY PROPOSALS.

THE UNITED STATES COMES TO THIS ISSUE WITH SPECIAL OBLIGATIONS. WE ARE THE LEADER OF THE WESTERN WORLD. WE HAVE BEEN THE ADVOCATE FOR HUMAN RIGHTS ALL OVER THE WORLD, ESPECIALLY IN THOSE COUNTRIES WHERE HUNGER IS MEASURED NOT SIMPLY BY PHYSICAL MALNUTRITION, BUT BY SPIRITUAL AND POLITICAL STARVATION AS WELL. BECAUSE AMERICA HAS BEEN THE BEACON FOR FREEDOM AND DEMOCRACY, AND BECAUSE WE HAVE MADE HUMAN RIGHTS A WORLD-WIDE MORAL IMPERATIVE, WE ARE IN THE BEST POSITION TO NOTE SOME EVOLUTIONARY CHANGES.

AS A RESULT OF OUR POLITICAL, DIPLOMATIC, AND ECONOMIC POLICIES WE BEGIN TO SEE POLITICAL, SOCIAL, AND ECONOMIC PROGRESS IN THE SOVIET UNION. PEACE THROUGH STRENGTH BROUGHT THE SOVIETS TO THE BARGAINING TABLE. TO THAT BARGAINING TABLE WE ALSO BROUGHT THE ISSUE OF HUMAN RIGHTS.

FOR MORE THAN A DECADE, OUR U.S. PRESIDENTS HAVE BROUGHT HOME THE ISSUE OF HUMAN RIGHTS TO SOVIET OFFICIALS .

OUR LEADERS HAVE TAKEN OUR PLEAS FOR FREEDOM TO SUMMITS IN VIENNA, TO HELSINKI, TO ICELAND, AND TO MOSCOW.

IT'S WORKED. TODAY, MORE THAN EVER BEFORE, A RECORD NUMBER OF SOVIET JEWS AND OTHER RELIGIOUS AND ETHNIC MINORITIES ARE BEING ALLOWED TO LEAVE.

BUT MR. CHAIRMAN, I AM CONCERNED. DESPITE OUR TRIUMPH AND DESPITE OUR ANSWERED PRAYERS, I FEAR THE ADMINISTRATION PROPOSALS MAY ALLOW DEFEAT TO BE SNATCHED FROM THE JAWS OF VICTORY.

NOW IS THE WRONG TIME TO CLOSE THE DOOR TO SOVIET EMIGRATION.

THE SOVIET UNION MAY BE IN A PERIOD OF GLASNOST, AND WE MUST ENCOURAGE CONTINUED REFORMS. BUT AT THE SAME TIME, WE CANNOT BE NAIVE. PARTICULARLY WHEN WE HAVE NO EVIDENCE, INDEED NO CODIFIED SOVIET LAWS, WHICH INDICATE JUST HOW LONG THEIR DOORS WILL BE OPEN.

WE KNOW OF THE HISTORICAL OPPRESSION OF THE TOTALITARIAN SOVIET REGIME.

WE ALSO KNOW THAT THE SOVIETS REGULARLY LIVE BY THE MOTTO: "TREATIES ARE LIKE PIE CRUSTS, MADE TO BE BROKEN."

IF WE ARE TO MAKE CHANGES IN REFUGEE POLICIES, THEY MUST COME ONLY AFTER CAREFUL AND CAUTIOUS CONSIDERATION OF THE DYNAMICS INVOLVED. MY FEAR IS THAT THE ADMINISTRATION PROPOSALS, WHICH CALL FOR IMPLEMENTATION OF ITS NEW POLICIES IN LESS THAN TWO WEEKS, LACK BOTH CAUTION AND CONSIDERATION.

MR. CHAIRMAN, I LOOK FORWARD TO THE OPPORTUNITY TO QUESTION THIS POLICY TODAY.

Senator GRASSLEY. Secretary Eagleburger, you stated that you met with two Jewish organizations regarding the aministration's refugee policies. Could you identify those groups?

Mr. EAGLEBURGER. I met with three yesterday, but you have embarrassed me, Senator. I will have to provide it for the record because I don't remember the specific names of any of the three—well, the third one I met with, and it was—I don't consider it a consultation, but this issue was, in fact, discussed, was an outfit called Agudath Israel. The other two, I think Mr. Shifter may be able to give me the names in a moment.

But let me make sure, also, that you understand—I tried to say this when I described it—I am not trying to put words in their mouths. I am simply describing that in the course of those discussions yesterday and in earlier discussions, I did not hear any strong or, in fact, any disagreement with the approach we were taking. In one minute, I will give you the other two names.

Senator GRASSLEY. Obviously, some Jewish organizations maintain a policy that the first place emigrants from the Soviet Union of Jewish background should go to Israel. So I hope that you have talked with a broad base of groups.

Mr. EAGLEBURGER. The other two groups that I met with yesterday are the National Conference on Soviet Jewry and the Union of Councils for Soviet Jews. And, again, I understand the point you are making. Either I or others in the Department of State have met with a, I would say, fairly broad spectrum of leaders of Jewish groups in the United States, but I take your point.

I was not trying to contend that there was a universal support for the program, simply that we have consulted with a number of different organizations. And at least in my judgment and from what I have heard, there is no strenuous objection on the part of many Jewish groups to what we are trying to do. I do not claim that all Jewish groups have the same view.

Senator GRASSLEY. You stated that the United States does not have sole responsibility for taking Soviet refugees and that we must work with Western nations to share this responsibility. However, should the United States take a turn in its historic refugee policy with or without the assurance of Western nations that they will do what you call part of their responsibility, to carry out their fair share?

Mr. EAGLEBURGER. My strong feeling is that the United States must do everything it can, within the constraints of a worldwide program and within the budgetary constraints, to assist these emigres and to accept them into the United States, but that there are limits on our ability as to the numbers we can take.

And I do not believe—though I know this has been the contention—I do not believe we are turning our policy. We have taken all in the past because the numbers have been different. We are now facing a qualitatively different situation, and under those circumstances we have to take some steps to manage the process.

Senator GRASSLEY. How cooperative do you expect other nations to be as you approach this issue with them?

Mr. EAGLEBURGER. Well, since I came back to Washington with a strenuous view that allies and friends have to do a great deal more than they have been doing in a number of different areas, and I

have not been wildly successful in convincing them of that over the course of the last several months, I cannot tell you that I think there will be a massive increase in the willingness of others to take refugees, but we will keep working at it.

Senator GRASSLEY. We all hope that the changes in the Soviet Union will endure. We should encourage continued reforms.

However, are apprehensive about these reforms because we have seen changes before and they have not materialized. I have to know from your thinking, as you look at this new policy, which I say does indeed constitute a change or turn in policy, whether this change in our policy was implemented premised on changes in the Soviet Union that may not last and are not predictable?

Mr. EAGLEBURGER. This question of whether the reform process continues in the Soviet Union?

FUTURE PROSPECTS IN THE SOVIET UNION

Senator GRASSLEY. Yes, and to what extent should we base changes in U.S. policy on what is now going on in the Soviet Union? In relative terms, we thought it was historic in 1956, about what went on in Hungary, and about what went on in 1968, and it was historic until in came the tanks. The tanks have not yet come into the Soviet Union, but who knows of the powers in the Soviet Union that might be greater than Gorbachev, that would dictate that sort of policy in the future?

Mr. EAGLEBURGER. Senator, as long as you understand that I don't think anybody, including Mr. Gorbachev, can predict whether he will, in his reform process, be successful or not, let me say what I think, which is there is no guarantee whatsoever that the process of reform, perestroika and glasnost, will, in fact, continue for any period of time. There is certainly no guarantee that they will succeed.

As you have said, we may all hope the process works. There is no guarantee of it at all. There is also very obviously going on now, both within the Soviet Union and in Eastern Europe, an increasing instability, if I can use the term, with regard to the nationality questions in the Soviet Union and with regard to what process occurs in Poland and Hungary and whether that reform process in those two countries is contagious throughout Eastern Europe.

I can't in any way predict success or how long it will continue.

Senator GRASSLEY. I am not asking you to predict success about that.

Mr. EAGLEBURGER. I understand.

Senator GRASSLEY. How can the United States formulate policy based upon these unpredictable changes?

Mr. EAGLEBURGER. Let me go on to that. It is my firm view, whether it is with regard to refugees or any other issue having to do with the Soviet Union, that we have to develop policies which are the right policies whether the process of reform in the Soviet Union succeeds or not.

And it is my view that, again, within the limits of the resources available to us and in consideration of the worldwide refugee program we have to manage, what we are doing with regard to Soviet Jewry at this point and Soviet emigration at this point is to try to

adapt to the current ability for more people to leave, but recognizing that may not last.

Senator GRASSLEY. Thank you Mr. Chairman.

Senator KENNEDY. Well, thank you, Senator. I think we won't go over this ground again at any length, but this is precisely the problem, not being able to predict what these policies—how long they will be in effect and the stability in that regime.

We are, in effect, altering the policy because we did at least give those that previously wanted to be able to come to the United States—give them assurance that they could. And the concern that many of us have is that there are many in the pipeline both in Rome and in the Soviet Union who have relied upon that commitment, and with the uncertainty of the changes.

As you have spelled out very well, there are very legitimate concerns about whether individuals who may be applying today will still have that opportunity down the road.

FUNDING ISSUES

Let me, if I could, Mr. Secretary, come back just to the issue of the funding. For HHS, the administration requested $202 million for 84,000 refugees. The Senate added $60 million for an additional 26,000 refugees, bringing the total refugees paid for to 100,000. This is the 1990 fiscal year.

Now, the estimates are the numbers will be 125,000. With the money requested, we are short support for 25,000 refugees. So you have one which you have recognized as the $58 million on the one side, which is the State Department, and approximately $60 million on HHS. It may be a few million dollars off, but if we take what HHS has needed in the past and just carry that forward in terms of the kinds of reimbursements required to States and local communities, we see a reduction in that support.

That burden is being taken now by States and by local communities, even though in many areas they are already heavily burdened. And I think we ought to point out right now that we will be $100 million short just on the program that you have outlined, and we ought to understand that. That is going to mean a reduction of support for localities and for States for some very important services.

You can give me a reaction if you want to give me a quick one, and then I just had one other area to cover, if I could.

Mr. HOLMAN. Mr. Chairman, the figure that I have provided is the amount which the Senate Appropriations Committee has included for cash and medical assistance. In an overall way, the administration request, based on an assumption of 84,000 arrivals in 1990, was $242 million. The total amount for the program which has been included by the Senate Appropriations Committee is $417 million. So in the overall total, there has been a substantial increase above the administration's request.

Senator KENNEDY. Well, we have also seen the reduction of the length of assistance. You have gone from 31 down to 24 months.

Mr. HOLMAN. That is correct.

Senator KENNEDY. So are we going to be saying, well, if we can't find the money some place, the support for localities and for States

is going to be reduced? I think we ought to understand this as we are moving through the process.

Mr. HOLMAN. Yes; the administration proposed a further reduction to 15 months. We don't have a final estimate yet on the actual need. The amount included by the Senate Appropriations Committee looks to be somewhere between 15 months and the current 24 months.

CAMBODIAN REFUGEES

Senator KENNEDY. Mr. Secretary, we have got the second bell ringing now indicating a vote. I didn't have a chance to get into the whole Cambodian situation—close to 300,000 on the border; the real danger with the breakdown of talks of civil war, which will mean perhaps an increasing number of refugees there.

Mr. EAGLEBURGER. Would you like something for the record on that, Senator?

Senator KENNEDY. Would you?

Mr. EAGLEBURGER. Sure.

Senator KENNEDY. I wanted to talk to you a little bit on Africa, both in the Horn and also in the south. And if you could include in that statement the specific policy with regard to the Khmer Rouge, so we know where we are.

Senator Simpson.

Senator SIMPSON. Mr. Chairman, I do think that on this thing of the budget we must look carefully. What we are having here is we find the the budget in June, and then the numbers in September, and the interest groups bang on everybody to get the numbers up. And then they know in September they can bang on everybody to talk about the shortfall, and they play a duplicitous game in that area. So let us try to get that one ironed out, and I will pledge to help you with that. We have got big numbers and we have got a big job; we really do, and we will do it under your leadership.

I have a statement from Senator Hatch, that I would like submitted into the record, please.

Senator KENNEDY. Fine.

[The prepared statement of Senator Hatch follows:]

STATEMENT OF SENATOR ORRIN G. HATCH
REFUGEE POLICY
September 15, 1989

Thank you, Mr. Chairman. Successive Administrations, both Republican and Democrat, have sought to assist Jews and others in emigrating from the Soviet Union. Until last year, Soviet Jews and other religious believers seeking refugee status were presumed to be persecuted or have a well-founded fear of persecution. Moreover, the United States accepted virtually every Soviet Jew and other religious believer seeking entry to our country. Recently, the Communist leadership of the Soviet Union has relented a little in its inhumanity to its own people. Now, an increasing number of Jews, Pentacostals, and others are being allowed out of the Soviet Union. This increase has strained the resources we have allocated to absorb these refugees.

What has been the American response? In the last year, our refugee policies have changed. Soviet Jews are no longer presumed to be persecuted. In contrast to their earlier presumptions of refugee status, Soviet Jews are being much more closely reviewed by American personnel to determine, on a case-by-case basis, whether this or that Soviet Jew has been persecuted or has a well-founded fear of persecution.

Moreover, apparently, the United States no longer plans to let in every Soviet Jew or other religious believer who wishes to come here from the Soviet Union.

Mr. Chairman, no budget deficit, however large, should ever induce the United States to abandon or compromise in any way its fundamental values and principles. The United States has always stood as a beacon of light and hope for oppressed peoples. We should do all we can to assist, and to accept, refugees who are escaping from tyranny and who wish to come here. Let these refugees have the choice to come to the land of freedom and opportunity, without arbitrary or bureaucratic obstacles placed in their paths, and without pitting one group of refugees against another.

As much as the freedom we enjoy as Americans, our willingness to let others into our country and share that freedom goes a long way in defining who we are as a people, and what we are as a nation. Indeed, our country was founded and made great by those who came here seeking freedom.

In my view, we need to be very sensitive to those who currently wish to escape from places like the Soviet Union and come to the United States. I believe that our country will benefit by the contributions they will make once they are established here.

I hope that these new refugee policies I mentioned earlier are not predicated on the recent developments in the Soviet Union, and the assumption that those developments are much more significant than they currently are. These very recent developments, although welcome, do not change the essentially totalitarian nature of that regime. It is a regime that denies basic human rights to its own people, including even a semblance of true religious liberty.

I wish to stress that religious or ethnic persecution does not mean only physical harrassment, the midnight knock on the door, and jailings. When a believer is unable to go to church or synagogue because government policy for decades severely restricts or forbids the construction or use of such religious houses of worship, that is persecution. The inability of a group of believers to train religious leaders and teachers such as priests and rabbis, because of government policy, is persecution. The inability to obtain religious articles and items needed for prayer, such as bibles, prayer shawls, yarmulkees, because of government policy, that is persecution. The inability of Jewish parents to send their children to religious schools, to learn Hebrew, to learn the ancient customs, traditions, and history of their people, because of government policy, that, too, is persecution. In short, the inability of people, Jews,

Christians, or Moslems, not only to practice their religion freely, but to live in an environment where they are free even to become aware of, and explore, their religion, because of cumulative government policies, is persecution.

In my opinion, any believer in God is a persecuted person in the Soviet Union. Accordingly, I find the spectacle of American officials, separating Soviet Jews into two groups, the persecuted and the allegedly nonpersecuted, to be very disturbing.

I was pleased to cosponsor S. 893, which addresses this issue. A revised version of that legislation was added by the Senate to the State Department authorization bill. If the lawyers at the Departments of Justice and State, and officials in the field, do not believe all Soviet Jews are persecuted persons, they ought to try living in the Soviet Union for a few years as Jews or other believers. I believe they would then argue for a return to the recently abandoned policy of presuming that all Soviet Jews and other believers qualify as refugees.

Thank God there were no federal bureaucrats at Plymouth Rock. One can just picture them closely interviewing each Pilgrim as they tried to get off the boat in order to

determine which ones were truly persecuted and could set foot on American soil.

And, I am deeply distressed by the prospect that, suddenly, the United States appears willing to turn away some of those who qualify as refugees and seek entry to the United States from the Soviet Union.

I recognize that, today, Soviet Jews have a haven in Israel, and I am thankful for that. This haven was not available 50 years ago, the last time European Jews sought entry to the United States to escape from tyranny, usually without success. But the existence of this other haven should not, in my view, affect American policy. That policy, based on our fundamental values, should be to accept those persecuted persons who wish to come here, including every Jew and other religious believer from the Soviet Union.

Let us not forget the Emma Lazarus poem on the Statue of Liberty. It reminds us of the American ideal of taking in those "yearning to breathe free." Its last line reads, "I lift my lamp beside the golden door." I cannot believe that an American Administration would allow the sudden, uncertain breezes of glasnost and perestroika to dim that lamp or close that door even one inch on Soviet Jews or anybody else.

Senator KENNEDY. We want to thank you very much, Mr. Secretary.

Senator SIMPSON. Thank you.

Senator KENNEDY. Thank you, Ambassador.

[The prepared statements of Ambassador Lyman, Mr. Holman, and Mr. Buck follow:]

TESTIMONY

OF

AMBASSADOR PRINCETON N. LYMAN

DIRECTOR

BUREAU FOR REFUGEE PROGRAMS

DEPARTMENT OF STATE

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION AND REFUGEES AFFAIRS

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

SEPTEMBER 15, 1989

CHECK AGAINST DELIVERY

EMBARGOED BEFORE DELIVERY, 11:00 A.M., SEPTEMBER 15, 1989

Thank you, Mr. Chairman.

I understand that these hearings fulfill the statutory requirement to consider the President's proposal for refugee admissions to the United States for the coming fiscal year. You have received a document which provides a detailed presentation of that proposal, and I will highlight a few points from it later in my testimony.

The law also requires that the Administration report to the Congress on the worldwide refugee situation. Again, we have sent you a document, the World Refugee Report, which provides a comprehensive treatment of that subject. My purpose here is to provide an overview that will place the proposed refugee admissions program in the context of overall U.S. policy and to reply to your questions concerning the proposal.

During the past year the world refugee situation has worsened. There are more refugees, in more difficult circumstances, with reduced prospects for an early and lasting solution to their plight. Voluntary repatriation programs -- which are the most desired outcome for large scale refugee situations -- have been small compared to the magnitude of new refugee flows. Let me briefly cite a few specifics.

For Afghan refugees -- the largest population of refugees of a single nationality, estimated at 5 million in Pakistan and Iran together -- 1989 was to have been the year that

repatriation would commence, bringing the opportunity to return home to rebuild lives shattered by ten years of war. Instead, the fighting in Afghanistan continues, generating thousands of new refugees fleeing to Pakistan and other neighboring countries.

For Palestinians in the West Bank and Gaza, the intifada and the Israeli response have disrupted ongoing education and material assistance programs of the U.N. Relief and Works Administration (UNRWA) while adding a new dimension of emergency medical relief.

In the Horn of Africa, Ethiopia is the focus of our most urgent concern, as the international relief agencies attempt to provide relief to more than 600,000 refugees from Somalia and Sudan in the world's most remote and inhospitable camps. It was in an effort to reach one of these camps -- Fugnido -- that Representative Leland and 15 others met their recent tragic deaths. Sudan itself hosts over 700,000 refugees, while its own internal conflict has resulted in an estimated one million internally displaced persons.

In southern Africa, the number of Mozambican refugees spread across six countries continues to grow -- now more than 1.2 million. In western Africa, a new crisis between Senegal and Mauritania has caused over 200,000 persons to leave their homes, more than 50,000 requiring emergency international assistance.

In East Asia, the highest level of Vietnamese boat arrivals since 1981 has caused a 50 percent increase in the first asylum

population in the region over the past 18 months. Although there are some encouraging signs of Vietnamese government cooperation in expanding the orderly departure program and in accepting voluntary repatriation, facilities in Hong Kong and Malaysia have been overwhelmed. Problems of overcrowding have been compounded by outbreaks of disease and internal violence. Reports of pushoffs and pirate attacks are again on the increase.

In Turkey, relief for more than 300,000 persons expelled from Bulgaria has been added to the existing burden of assistance for more than 30,000 Kurds.

Seen as a whole, the most alarming aspect of the world refugee situation in the past year is that the physical conditions and treatment of the world's nearly 14 million refugees have worsened, while the response of the international community has not kept up with the need. Mid-way through his program year, the U.N. High Commissioner for Refugees faces a deficit in excess of $60 million and has been forced to order radical cuts in all non-life support programs and services, with more reductions likely that would cut into basic support systems and response capability.

There are comparable concerns over budget deficits for the International Committee of the Red Cross (ICRC), the U.N. Relief and Works Administration for Palestine Refugees (UNRWA), and the U N. Border Relief Operation (UNBRO) which provides for the Thai-Cambodian border camps. For most of the major donors, the fiscal year is over. The United States has fully obligated

its migration and refugee assistance funds of $173 million plus the additional $15 million appropriated by Congress in the FY 89 emergency supplemental. Three times this year the President has approved drawdowns of his Emergency Refugee and Migration Assistance Fund -- for a total of $53 million -- to enable the United States to respond with small but critical support in emergency situations. The list which follows is illustrative of the scope of our responsibilities and concerns:

- o $10 million to ICRC and UNHCR for urgent relief operations in the Horn of Africa and the repatriation of Namibian refugees;
- o $5 million to ICRC for medical assistance to Afghans;
- o $2.5 million for the UN Special Coordinator for Afghanistan to provide for the most urgent needs related to the Afghan repatriation;
- o $23 million earmarked for AID's Cross Border Program for Afghans;
- o $2 million to ICRC for assistance to Lebanese conflict victims;
- o $2 million to UNRWA for its emergency program for Palestinian refugees;
- o $3.6 million to UNHCR for urgent needs of Vietnamese in Hong Kong and the Indochinese refugee conference Plan of Action;
- o $1 million to UNHCR for its special appeal for Sudanese refugees in Uganda;
- o $500,000 to UNHCR for Central American repatriation programs;
- o $500,000 to UNHCR for Romanian refugees in Hungary;
- o $3 million to UNHCR for urgent needs of African refugees in Mauritania and Senegal and the Horn of Africa.

The President's emergency fund is now exhausted. For FY 90, pending the outcome of the Congressional appropriations process, we may enter the new year with aggregate resources available for refugee assistance (regular appropriations and the emergency fund combined) lower than U.S. international contributions this year. Although the international refugee

organizations are striving to increase contributions from other donors, the prognosis for the foreseeable future is for further cutbacks in their ability to provide adequate food, shelter and medical assistance to the refugees and host nations that depend on the international relief effort.

I have provided this pessimistic report on the world refugee situation to put in context the President's proposal for the U.S. refugee admissions program for next year, because the admissions proposal also asks that the United States do more for refugees than in the preceding year and commit greater resources to that end.

The President proposes an admissions ceiling for the coming year of 125,000 refugees. This is some 20,000 more refugees than the estimated actual admissions of 105,000 refugees in the current year, which in turn is almost 30,000 higher than the FY 88 level of 76,000 admissions. The last time the United States admitted over 100,000 refugees in a single year was in fiscal year 1981 during the peak of the Indochinese refugee influx.

The Administration recognizes, as does the Congress, that rapid increases of this magnitude are extremely difficult to manage, both in terms of identifying adequate federal resources in a period of budget deficit fighting and in terms of the strains on the processing and resettlement systems.

In speaking of resettlement systems, be it overseas processing, temporary assistance to refugees in transit, domestic reception and placement, or longer term support for

integration into American society, we are talking about the work of voluntary agencies, community and religious organizations, and individual volunteers. I would like to pay tribute to all of them for their personal efforts, which is, after all, what bringing refugees to America is all about. Let us also not forget that our worldwide resettlement systems could not function without the cooperation of other countries -- their governments and their private institutions. There are many to thank, but in this period of tremendous expansion in emigration from the Soviet Union and in the Orderly Departure Program from Vietnam, I would like to acknowledge in particular the contributions made by the transit countries of Austria, Italy, Thailand and the Philippines to the success of the United States refugee resettlement program.

The resource requirements to meet the rapid increase in the U.S. refugee admissions program have necessitated emergency supplemental appropriations in each of the past two fiscal years -- efforts which well demonstrate the shared commitment of the Administration and the Congress to continue America's tradition of offering a new home to large numbers of refugees. For FY 90, although Congressional appropriations action is not yet complete, it is clear that the Administration's budget request, prepared last winter, does not fully provide for the refugee admissions program we are now proposing. Where our funding request would support an estimated 84,000 refugee admissions, we are now proposing a funded level for FY 90 of 111,000 refugees. The other 14,000 numbers in our proposal are

to be funded through private sector programs.

We are working with the Appropriations Committees in both Houses in an effort to meet as much of our refugee admissions requirements as possible without damaging other important foreign policy programs and priorities. Once the appropriations process is complete, the Administration will have to consider how it can best meet the unfunded requirements for the 111,000 admissions, if any.

Proposed Regional Admissions Ceilings

By region, the President is proposing refugee admissions as follows:

Soviet Union	50,000	
Eastern Europe	6,500	
East Asia		
First Asylum Countries	25,000	
Orderly Departure Program	26,500	
Near East/South Asia	6,500	
Latin America/Caribbean	3,500	
Africa	3,000	
SUBTOTAL	121,000	
Unallocated by Region	4,000	(privately funded)
TOTAL	125,000	

Soviet Union. The largest program proposed for FY 90 is for refugees from the Soviet Union. The proposed ceiling of 50,000 compares to estimated actual admissions this year of

36,000 to 37,000. With admissions rates averaging roughly 4,000 per month over the past half-year, and with no sign of decline in applications from Soviet citizens seeking admission to the U.S., we judge that 50,000 is, if anything, a conservative estimate of the potential admissions requirements. In view of the tremendous increase in Soviet emigration over the past two years -- from an admissions program of less than 4,000 in FY 87 -- it is a priority objective of the Administration and, we believe, of Congress to devise procedures which allow for orderly management of this program within predictable resource limitations.

We have been particularly concerned this past year with the build-up of applicants in Ladispoli in Italy and the uncertainty this has created for the many potential applicants still in the Soviet Union. To address this problem, the Administration has made a management decision to shift Soviet processing to Embassy Moscow to the maximum extent possible. We have both a staffing plan and a facilities expansion plan designed to accomplish more interviews there.

We are cautiously optimistic that the liberalizing trend in Soviet emigration regulations will continue, and we believe it will be possible for applicants for entry into the United States to be considered in a safe and orderly fashion at the U.S. Embassy in Moscow. We believe the majority of applicants will experience better physical circumstances by being able to apply to U.S. Government authorities while still living at home in the Soviet Union and without yet having made an irrevocable

decision to emigrate. We are pleased that Soviet laws and regulations appear to be evolving in a direction which makes this possible.

Not all will be approved as refugees. For the present, we are continuing the practice of offering public interest parole to applicants who are denied refugee status, but we do not believe that such a policy should or can be sustained for an indefinite period for an unlimited number. Nor do we believe, and here we are in perfect agreement with Senator Lautenberg and with Representative Morrison, that parole status is a desirable way in which to bring large numbers of persons into this country for permanent residence. It is for this reason that the Administration has introduced legislation, H.R. 2646, which would establish a special interest immigrant status, identical in benefits to other immigrant categories, for a limited number annually, which would be set at 30,000 persons worldwide.

We hope that FY 90 will be a transition year, a year in which the Administration, the Congress, and private interest groups can work out and put in place a new system for processing Soviet emigrants which balances our concerns for promoting freedom of movement, treating individual applicants fairly, respecting worldwide standards in our refugee and immigration law, and managing programs within reasonable and predictable resource levels.

Eastern Europe. FY 90 will also be a year of transition for our refugee admissions program for Eastern Europeans. Let me note that the President's proposal adopts the recommendation

of several Members of Congress that we identify separate subceilings which distinguish between the Soviet Union and Eastern Europe. The proposed FY 90 ceiling for Eastern Europe is 6,500, the same as the original ceiling for FY 89. As you know, under the President's emergency determination we were able to increase Eastern European admissions this year to an estimated 9,000 in an effort to help reduce the number of persons in first asylum status in western Europe.

The apparent reduction for FY 90 is caused by two factors. First, we have made substantial progress in working through the backlog of INS-approved cases awaiting movement to the United States. Second, and more important, the striking political developments of the past year in Hungary and Poland have removed many of the potential causes of persecution in those societies. Consequently, we not only expect to see fewer applicants from Hungary and Poland, but we also expect that a much lower precentage of these applicants will in fact have a well-founded fear of persecution. At the same time, conditions in Romania and Bulgaria may cause an increase in refugee applicants from these countries.

East Asia - First Asylum. Refugee admissions requirements from the first asylum countries in East Asia are predicated on the commitments undertaken by the United States under the Comprehensive Plan of Action of this summer's International Conference on Indochinese Refugees. We were pleased to have staff members from this Subcommittee as members of the U.S. delegation together with Representative Robert Dornan and staff

from other interested committees.

Under the Comprehensive Plan of Action (the "CPA"), the United States has pledged to resettle over a three-year period up to 22,000 of the Vietnamese population in the camps as of agreed cutoff dates (last March for most of the region; nine months earlier, June 1988, for Hong Kong). We are well underway with a processing schedule which will complete approximately 15,000 of those persons by the end of FY 90.

In addition, the U.S. has said that we will consider resettlement of up to 50 percent of the Vietnamese arriving after those cutoff dates who are determined to be bona fide refugees by national screening procedures. This screening process is a critical new element of the CPA: no longer will third country resettlement be automatic, nor will it necessarily even be the primary solution for Vietnamese asylum seekers. Following a screening procedure monitored by UNHCR, persons determined not to be refugees will either choose voluntary repatriation under a UNHCR program or they will face an indefinite stay in a national or regional holding center. Since screening procedures are only just now being implemented in most countries of the region, it is not yet possible to report on what the numbers might be. In Hong Kong (where most asylum seekers are from the former North Vietnam) of the roughly 3,000 persons who have completed the screening and appeals process, less than 10 percent have been accorded refugee status.

Overall, we estimate that the effect of the CPA -- through

expanded orderly departure programs coupled with the deterrent impact of screening -- will be gradually to reduce the level of U.S. admissions programs from first asylum countries. For FY 90 the President has proposed a ceiling of 25,000 compared to the current year's estimated level of 28,000. In addition to Vietnamese, we will continue to process and admit highland and lowland Lao refugees from Thailand. During FY 89 the Administration carried out and completed a final review of the so-called denied Khmer caseload in Thailand. This review resulted in the approval of over 1,900 Khmer for refugee admission. After English language and cultural orientation training, they will be entering the U.S. during the coming fiscal year. These movements will effectively end our program for the admission of Khmer refugees to the U.S. We will, however, continue to process individual cases of immigrant visa beneficiaries and humanitarian parole recipients from the Khmer border population. Approximately 1,300 persons have been approved under this program since it began in 1986.

East Asia - Orderly Departure Program. A fundamental principle of U.S. policy in addressing the humanitarian problem of the Vietnamese boat people, and a central element of the international effort of the Comprehensive Plan of Action is a great expansion of legal emigration from Vietnam. So long as Vietnam restricts the right of its nationals to obtain exit permits and to apply for lawful entry to other countries, people will continue to take to the boats. Although numbers alone do not equate to freedom of movement, they can be an

important indicator, and we are quite encouraged by both the statements and the actions of the Vietnamese authorities since the International Conference in June. Departures from Vietnam for all countries are now in excess of 3,000 per month, and total departures for FY 89 are expected to be double the FY 88 level of 19,000. At the International Conference, we challenged the Vietnamese again to double the level of departures, to 6,000 per month, in the coming year.

For the United States program alone, as announced at the International Conference, we have put in place INS and consular staff resources to expand our processing to 4,500 persons per month for all programs -- refugees, Amerasians, immigrant visas, and public interest parolees.

On July 30, the United States and Vietnam initialed an ad referendum agreement to commence a resettlement program for released reeducation center detainees, which came into force on August 28. We hope to begin interviews under that program in October at an initial rate of 1,000 persons per month. This agreement is a major breakthrough in cooperation by Vietnam with the goals of the Orderly Departure Program and the CPA. Since former Secretary Shultz announced President Reagan's initiative on behalf of the former reeducation center detainees and their family members at these hearings in 1984, we have never ceased to press for the agreement we have now achieved. We hope the agreement accomplishes two important humanitarian purposes: that it reunites the former prisoners with loved ones in this country, and that it marks a major turning point

on the road to viable legal emigration from Vietnam replacing clandestine departure by boat.

In light of these positive developments, the President's proposal for FY 90 admissions sets the ODP ceiling -- which includes for this purpose Amerasian immigrants but not other immigrant visa recipients nor parolees -- at 26,500, compared to the revised FY 89 ceiling of 22,000, and we gave serious consideration to setting the ceiling for next year even higher.

The reasons we did not do so are twofold. First, we must soberly assess Vietnam's limited administrative and logistics capacity. Presenting people for interview -- for at least 15 other country programs -- conducting medical examinations, and arranging airline capacity are all limiting factors. Second, as a matter of policy the United States is urging Vietnam to cooperate in giving priority to the processing of immigrant visa beneficiaries -- both in the reeducation center detainee population and in the general family reunification program -- which do not count within the refugee numbers. Thus, where 26,500 refugee and Amerasian admissions equate to a monthly rate of 2,200, we are seeking to expand our interview and, gradually, our departure rate to an estimated 5,500 persons per month in all program categories.

Near East/South Asia. The proposed FY 90 ceiling would cover 6,500 Near East and South Asian refugee admissions compared to an estimated 7,000 admissions in FY 89. The majority of our admissions from this region are Iranians, Afghans and Iraqis, although individuals from other

nationalities have been approved for refugee processing on a case-by-case basis. We continue to be especially concerned about Iranian persecution of religious minorities and hope to maintain substantial admissions levels for these groups.

Although the Near East is in a state of flux due to the termination of the Iran/Iraq war and the possible return of Afghan refugees to their homeland, events which may combine in the future to reduce the total number of refugees requiring resettlement in the United States, we do not expect a significant decline in applications for U.S. resettlement in FY 90.

Africa. The proposed FY 90 refugee admissions ceiling for Africa is 3,000, which is substantially higher than projected FY 89 admissions of 1,700. In setting this level, we believe that recent indications of cooperation from the Government of Sudan will lead to the early movement of the more than 2,000 refugees already approved by INS who are awaiting exit permits to depart that country. Refugee processing in Nairobi has been increased substantially by the full-time INS presence: during the first nine months of FY 89 more than 400 refugees were approved for admission to the United States. The INS circuit rider program provides a means for processing refugees at other posts in Africa. Although Ethiopians continue to constitute the overwhelming majority of our African refugee admissions, in FY 89, as in previous two years, we will admit more than 100 African refugees from other nationalities.

Latin America and the Caribbean. The President's proposed ceiling of 3,500 will enable us to continue to admit former political prisoners from Cuba under the Mariel Agreement and to respond to the most pressing demands for refugees in difficult first asylum situations, primarily Nicaraguans and Salvadorans.

Under the Mariel Migration Agreement, the United States agreed to admit up to 3,000 current and former political prisoners and immediate family members during the first year of implementation (FY 1985) and possibly more in subsequent years. Since the Agreement was restored in November 1987, we admitted 2,273 Cubans as refugees in FY 88, and we project the arrival of 3,000 political prisoners and family members in FY 89. In addition to refugee admissions, some of these persons qualify as immigrant visa beneficiaries or receive parole admission. The total number of Cubans admitted under the auspices of the Migration Agreement might reach 3,300 this year.

Because of the large number of current and former political prisoners still in Cuba, U.S. Government processing of Cuban refugees in third countries is currently limited to former political prisoners. Additionally, Cuban refugees who are not firmly resettled in third countries and who departed Cuba prior to January 1, 1988 may be eligible to apply for a private sponsorship program supported by the Cuban-American National Foundation. Some 1,600 persons are expected to enter the U.S. in FY 89 under this program.

The U.S. refugee admissions program is open to all of Latin America and the Caribbean. Periodic INS circuit rides take place to interview applicants within Central America. We anticipate about 300 such admissions in FY 89. While the program remains small, it is able to respond to referrals from UNHCR and the Intergovernmental Committee for Migration (ICM) as well as to individual applications. In July the Department of State announced that former Nicaraguan political prisoners would be processed in Managua under the authority of the Presidential Determination for in-country processing. At that time, approximately 200 former prisoners had registered with ICM to seek third country resettlement, while others were applying in neighboring Honduras.

Mr. Chairman, I have touched briefly on the proposed admissions ceiling for each region of the world. I have also endeavored to provide an outline of the worldwide context in which the admissions program is but one aspect of the U.S. response. I have also not hesitated to recognize the necessity of managing the U.S. refugee program in accordance with universal standards and within properly established resource limitations. These are serious and difficult issues. Nevertheless, I believe that there is fundamental, bipartisan agreement between the Administration and the Congress on the basic humanitarian objectives of U.S. refugee policy. I am pleased to have had this first opportunity to appear before you, and I look forward to working with the Subcommittee on these issues.

Statement by

Philip A. Holman
Acting Director
Office of Refugee Resettlement
Family Support Administration
Department of Health and Human Services

before the

Committee on the Judiciary
United States Senate

September 15, 1989

Mr. Chairman and Members of the Committee, I am pleased to have this opportunity to present the views of the Department of Health and Human Services in this consultation on refugee admissions for fiscal year 1990.

The Department fully supports the President's proposal to authorize up to 125,000 refugee admissions in FY 1990, of which 111,000 admissions would be publicly funded and 14,000 would be contingent on private-sector funding.

We recognize that this exceeds the number on which the FY 1990 budget request, currently under consideration by the Congress, is based. However, the Administration believes there is room on the domestic side within the Bipartisan Budget Agreement for Congress to provide appropriate funding to enable the President's proposed admissions ceiling to be accommodated.

States, voluntary refugee resettlement agencies, refugee mutual assistance associations, and other participants in the refugee program have continued to do a good job in helping new refugees adapt to life in the United States. During the last few years, a number of special initiatives by the Office of Refugee Resettlement, with the collaboration of other participating agencies, have contributed to effective refugee resettlement, helping to increase refugee employment and keep dependency rates down. These initiatives have included projects in California and Oregon under the Fish/Wilson Amendment to the Refugee Act, Key States Initiative projects in high-dependency areas, and special efforts to help assure the availability of needed services to Amerasians from Vietnam.

At the end of FY 1988, the national dependency rate of refugees who had been in the United States less than 24 months was 52 percent. This means that nearly half of the refugees who had arrived in this country were self-supporting within less than two years after their arrival. In fact, 32 States had dependency rates below 33 percent, indicating that in those States more than two-thirds of the refugees were becoming self-supporting in less than two years.

Refugee dependency rate figures have been very stable over the last several years -- varying nationally between 50 and 55 percent.

During the first nine months of FY 1989, refugee arrivals were 56 percent above those for the same period of FY 1988, but the dependency rate was up only one percentage point, at 53 percent. While we know that there are impacts of refugee concentrations in particular areas, and difficulties that some refugees have in becoming independent, our overall experience indicates the ability of the United States to successfully resettle the number of refugees specified in the President's proposed admissions ceiling for FY 1990.

Mr. Chairman, I would be pleased to try to answer any questions that you and Members of the Committee might have.

Testimony of

James L. Buck
Acting Commissioner
Immigration and Naturalization Service

before the

Judiciary Committee

United States Senate

concerning the

Refugee Resettlement Admissions Program for Fiscal Year 1990

September 15, 1989
Dirksen Senate Office Building, Room 226
9:30 AM

Mr. Chairman and Members of the Committee:

We are pleased to discuss the proposed United States refugee resettlement admissions program for Fiscal Year 1990 and the role of the Department in that program.

Today we would like to bring you up-to-date--we would like to start with where we have been and what we have done. Furthermore, we would like to address where we are and where we are going as well as how we are going to get there.

Resolution of Long-standing Problems

First and foremost, we are pleased to note that two longstanding refugee related problems have been resolved. These are:

-agreement on the need for refugee adjudications worldwide according to a uniform standard fairly and equitably applied (attachment A discusses this standard), and

-the successful completion of a final review of previously denied Khmer cases in Khao-I-Dang, Thailand (attachment B provides a statistical summary of the results of this recently completed review).

Regarding the former, we agree completely with Ambassador Lafontant's remarks at her recent confirmation hearings reaffirming the adequacy and efficacy of the current statutory definition of refugee--"...applied equitably and efficiently and consistently"--as the basis for INS adjudications worldwide.

INS Role and Involvement in Refugee & Asylum Affairs

INS involvement with refugee affairs consists of eligibility adjudication under the three statutory avenues of application to the U.S. refugee and asylum programs:

-through the U.S. asylum program, as defined by section 101(a)(42) of the Immigration and Nationality Act (INA) and provided for in its section 208, for persons (asylum seekers) in the U.S. or at a U.S. Port of Entry.

-through the U.S. refugee resettlement admissions program, defined in section 101(a)(42) of the INA and provided for in its section 207, for persons outside the U.S. and outside their countries of origin who are:

--identified as needing third country resettlement
--qualified according U.S. priorities and ceilings, and
--statutory refugees under the INA.

-through the exceptional refugee admissions avenue available for certain specified groups of persons still within their countries of origin under section 101(a)(42)B of the INA after designation by the annual Presidential Determination in effect designating some U.S. embassies as "outposted asylum offices" to screen certain specified groups of prospective applicants (e.g., Vietnamese in Ho Chi Minh City, Cuban political prisoners in Cuba, Soviets in the Soviet Union).

INS Use of a Uniform Adjudications Standard Worldwide

INS has successfully moved toward a more equitable and appropriate application of existing U.S. refugee law worldwide: beginning in FY 89, all refugee and asylum claims, whether filed by Soviets in Moscow and Rome, Nicaraguans and Salvadorans in Texas, or Vietnamese in Vietnam, are subject to the same adjudications process.

INS adjudication under the worldwide standard is comprised of four equally important components: knowledge of current policies, U.S. international refugee responsibilities, national statutory requirements, knowledge of conditions in countries of origin. These elements are then taken into consideration in a

face-to-face interview of the applicant with an INS adjudications officer.

One major obstacle to an appreciation of the INS role in adjudication of refugee and asylum claims is the lack of understanding of the term "refugee," as it is specifically defined in U.S. law. INS adjudicates refugee status according to the internationally-accepted definition of refugee, incorporated from the 1967 United Nations Protocol relating to the status of refugees, and embodied in U.S. law. We emphasize that the role of INS is to adjudicate claims of refugee resettlement applicants overseas and asylum-seekers in the U.S according to that law.

INS adjudication according to the worldwide standard requires that each case be examined on its individual merit. Decisions are based on a legal analysis which takes into account the statutory definition of refugee, incorporated into U.S. law with the Refugee Act of 1980, U.S. refugee and asylum case law, and international guidance, such as the United Nations High Commissioner for Refugees' Handbook on Procedures and Criteria for Determining Refugee Status. An evaluation is made of the claim of persecution according to a specific legal standard--that the applicant demonstrate a "well-founded fear of persecution," on account of race, religion, nationality, membership in a particular social group, or political opinion.

Careful consideration is also given to the conditions in the country of origin.

INS Improves Training Program in FY 89

To enhance INS's role in the U.S. refugee and asylum programs, we recently expanded our normal training for INS refugee and asylum adjudicators. A new syllabus has been prepared and extensively utilized in FY 89.

This enhanced training consists of six main elements:

-the general and specific policy context;

-U.S. international responsibilities (given by UNHCR);

-U.S. statutory requirements and relevant case law;

-adjudications interviewing skills and techniques;

-in-depth training on conditions in refugee-producing countries of origin; and

-practice interviewing through role playing.

Since its development earlier this fiscal year, this enhanced training has been given to INS officers in Frankfurt (Germany), Rome, Harlingen (Texas), Miami, New York, Los Angeles, and most recently, in Bangkok (Thailand). [Attachment C provides the Overview and Preface of this training program]

In addition, the syllabus was designed for self-study purposes and for use by supervisors in guiding on-the-job training until adjudicators can attend a formal training course.

Additional Information Being Developed on Country Conditions

While the INS portion of the syllabus has been completed, considerable work still needs to be done to make adequate documentation on conditions in refugee-producing countries of origin more readily available and accessible to INS adjudicators.

The Departments of Justice and State are working together to collate a series of country conditions reports (and, as appropriate, of group profiles of seriously-affected groups, or nationalities or minorities within those specified countries) which are focused on the needs of INS adjudicators for information on targets of persecution and discrimination, acts of such persecution, and their perpetrators. These reports would be supplemental to the usual State Department information made

available to INS adjudicators through the annual Human Rights Report and through the reports of the various regional bureaus and the Bureau for Intelligence and Research. When completed -- projected for early 1990 -- these new reports and documentation resources will represent major contributions to the work of INS adjudicators. In addition, other sources of in-country reporting are also being tapped by INS, such as academicians, concerned non-governmental organizations, and private interest groups.

INS Objectives for the Next Fiscal Year

To better focus our attention and intentions during the next few fiscal years, INS has identified five main refugee and asylum policy objectives for the period FY 89 - FY 91:

-continue to fully implement the spirit and intent of the Refugee Act of 1980 through the equitable application of a uniform standard of asylum and refugee adjudications worldwide;

-clarify policies and procedures concerning adjudication of refugee applications still in their countries of origin;

-ensure priority access of the most vulnerable refugees to the United States refugee program [i.e., persons in imminent danger of loss of life or freedom, political

prisoners/ dissidents or other designated persons of compelling concern to the U.S.];

-increase -- as necessary -- the statutory avenues of entry into the United States for persons of special interest to the United States. We look forward to a hearing in regard to the Administration's Special Immigrant Protection Act of 1989, introduced in the House by Representative Lamar Smith. We are eager to see H.R. 2646 considered and acted upon because it would provide additional relief in this area of Soviet emigration. This legislation would increase the statutory avenues of entry into the U.S. for persons of special interest to the United States, e.g., prospective Soviet emigres who would not otherwise qualify for admission to the U.S. but whose entry is deemed to be in the national interest.

-fully recognize that the U.S. refugee program is a resettlement program for those refugees referred to us for resettlement consideration via existing refugee processing procedures [see attached chart]. The refugee program is not an out-posted extension of the U.S. asylum program. The prospective beneficiaries of each program come to the attention of the refugee and asylum programs in vastly different ways, and for rather different reasons. That

difference should be recognized, and its procedural and programmatic implication recognized.

Conclusion

The Immigration and Naturalization Service supports the refugee admissions numbers and program described by the Refugee Coordinator. I would be pleased to answer any questions. Thank you.

ATTACHMENT A

DOJ/INS WORLDWIDE REFUGEE/ASYLUM ADJUDICATIONS STANDARD

Preface

There is no magic formula
against which refugee/asylum applications
can be easily judged.

The INS Worldwide Adjudications Standard
is a process,
not a formula.

This process is based on:
existing U.S. refugee/asylum legislation;
relevant U.S. regulations, case law, and guidelines;
up-to-date information on country conditions; and,
an in-depth non-adversarial INS interview.

Existing Legislation

The Immigration and Nationality Act (INA) of 1952
as amended by the Refugee Act of 1980
defines "refugee" in section 101(a)(42)(A) and (B) as:

"(A) any person ...
outside [his/her country of] nationality, ...
who is unable or unwilling to return ...
because of persecution or
a well-founded fear of persecution
on account of race, religion,
nationality, membership in a
particular social group,
or political opinion";

or,

"(B) in such circumstances as the President ... may specify,
any person ...
within [his/her country of] nationality], ...
who is persecuted or who has
a well-founded fear of persecution
on account of race, religion,
nationality, membership in a
particular social group,
or political opinion".

Relevant Regulations, Case Law and Guidelines

In a 1981 opinion, the OLC (Office of Legal Counsel) affirmed the need for case-by-case adjudication of individual refugee/asylum applications; (this opinion was reaffirmed in May 1988).

. The 1987 Supreme Court Cardoza-Fonseca directed the Attorney General to establish a level of proof of "well-founded fear" which is less than that of a "clear probability of persecution"; the Board of Immigration Appeals established the "reasonable person in similar circumstances" standard.

. The 1983 INS Worldwide Guidelines [and the UNHCR Handbook, paragraph 51] define persecution as a serious "threat to life or freedom". Other serious violations of basic human rights may also constitute persecution.

. Although discrimination is not usually persecution, in certain circumstances ... [especially when there is an accumulation of acts over time, or when there is an escalation in their intensity] ... it may constitute persecution, (UNHCR Handbook, para 54)

or,

lead to a well-founded fear of persecution, (UNHCR Handbook, para 55)

. Additional policy guidance on legal issues, sent on 16 December 1988 jointly from the State Department and INS (State cable 405442), affirmed:

.. the need for INS adjudications according to a "uniformly applied worldwide standard", .. based on "the most accurate relevant information available about conditions in [the refugee's country of origin]";

and further affirmed that

.. "in adjudicating cases, no effort should be made to artificially lower approval rates ... nor to keep approval rates high if [such] rates are not supported by the facts".

Reference to Current Country Conditions

INS adjudicators must have access to up-to-date information [from the State Department and other sources] on current conditions within refugee-producing countries of origin.

Such information should detail:

. economic conditions in the country;

. legal rights and privileges in the country;

. usual targets, acts and perpetrators of persecution and/or discrimination;

. generalized conditions [especially human rights abuses] in the country as a whole;

. how an applicant's individual, or group circumstances differ from [and are worse than] these generalized conditions.

The INS Refugee/Asylum Adjudications Interview

The INS adjudications interview is a
non-adversarial process:

. to **explore** an applicant's refugee/asylum claim,
and,
. to **elicit** information in support of this claim.

The **purpose** of the **INS interview** is:

to **assess** all **aspects** of an applicant's claim;
and,
to **assess** an applicant's **credibility**
in presenting and discussing that claim.

Decision-making According to the Worldwide Adjudications Standard

With the above **process** in mind,
and after **consideration of all the factors involved,**
INS refugee/asylum adjudications officers
make, and then must justify
(in their interview notes),
their **recommendation/determination**
concerning the eligibility
of the applicant for
refugee/asylee status.

DOJ/INS Worldwide Adjudications Standard
PART III. A.: HANDOUT
Page Five

Implementation of the DOJ/INS Worldwide Adjudications Standard
(joint State/Justice cable, #405442, of December 16, 1988 refers)

1. **Summary:** All INS officers have received instructions, supported by the Department of State, to ensure that all refugee [and asylum] applicants ... are adjudicated under [the] uniformly applied worldwide standards specified in then-Attorney General Meese's letter of August 4, 1988. ... The following instructions have been agreed to by the Department of State and INS for use by Department and INS personnel as appropriate. The refugee definition and other requirements for refugee admission [and/or asylum status] must be properly applied by INS to all [refugee/asylum] applicants ... after an individual interview. INS refugee [and asylum] adjudicators should seek guidance from Washington on factual matters [of an applicant's claim] and/or the legal issues involved, as needed. The Department of State has been requested to ensure that INS/CORAP and all relevant INS offices and posts ... are [kept up to date] on all developments ... relevant to refugee [and asylum] adjudication.

2. It is very important that INS and the Department of State ... work together to ensure that refugee [and asylum] adjudications are made on the basis of the most accurate relevant information available about conditions in [various refugee-producing countries of origin]. ... INS adjudicating officers should also rely on the State Department's annual human rights report, the State Department's "World Refugee Report" annually submitted to Congress, Embassy reporting cables, and other information available on conditions in the various countries of origin. Further factual information should be requested from [INS/CORAP, Washington, D.C.] and/or the U.S. Department of State as needed.

3. In adjudicating cases, no effort should be made to artificially lower approval rates ... nor to keep approval rates high if such rates are not supported by the facts. ...

4. Application of the refugee definition: The statutory definition of refugee [section 101(a)(42) of the Immigration and Nationality Act (INA)] should be applied to the adjudication of all applications to the U.S. refugee admissions [and asylum] program[s]. All applicants ... must be interviewed individually by an INS officer to determine whether they meet the refugee definition and other requirements for admission into the United States. General information about conditions in the [applicant's country of origin], the treatment and recent history of any group to which the applicant belongs, and the applicant's individual circumstances and experiences should be assessed, along with the applicant's credibility.

5. ... Allowances should be made as appropriate for an applicant's unfamiliarity with requirements for refugee [or asylum] status and the possibility that applicants [may] be reluctant to speak candidly about their experiences ... INS should attempt to pursue all relevant lines of questioning so that applicants who may not fully understand the requirements for demonstrating refugee status will have a full opportunity to make their case.

6. In adjudicating cases involving discrimination, reference should be made to paragraphs 54 and 55 of the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (Geneva, 1979), which read as follows:

> "54. Differences in the treatment of various groups do indeed exist to a greater or lesser extent in many societies. Persons who receive less favorable treatment as a result of such differences are not necessarily victims of persecution. It is only in certain circumstances that discrimination will amount to persecution. This would be so if measures of discrimination lead to consequences of a substantially prejudicial nature for the person concerned, e.g., serious restrictions on his right to earn his livelihood, his right to practice his religion, or his access to normally available educational facilities.
>
> 55. Where measures of discrimination are, in themselves, not of a serious character, they may nevertheless give rise to a reasonable fear of persecution if they produce, in the mind of the person concerned, a feeling of apprehension and insecurity as regards his future existence. Whether or not such measures of discrimination in themselves amount to persecution must be determined in the light of all the circumstances. A claim of fear of persecution will of course be stronger where a person has been the victim of a number of discriminatory measures of this type and where there is thus a cumulative element involved."

7. - 8. ...

9. Further guidance may be obtained from Washington as needed. Reference can also be made to the 1983 INS Worldwide Processing Guidelines, ... to the August 1981 opinion of the DOJ's Office of Legal Counsel, ... and to the U.S. Supreme Court's discussion in Cardoza-Fonseca (March 1987) of persecution and a well-founded fear of persecution [Matter of Accosta (1985), and Matter of Mogharrabi (1987) also refer]. INS/CORAP will ensure that all INS refugee/asylum adjudicators ... are fully briefed on legal and program requirements. The UNHCR Handbook may also be usefully consulted ... Shultz

UNCLASSIFIED

Department of State

INCOMING TELEGRAM

PAGE 01 OF 02 BANGKO 34567 00 OF 02 0606352 6447
ACTION RP-10

INFO LOG-00 ADS-00 INR-07 CIAE-00 EB-00 H-01 NSCE-00
NSAE-00 HA-09 INSC-00 EAP-00 OMB-01 IOEC-00 SS-05
DIG-01 C-01 /036 W
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FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC 1724
NSC INFO WASHDC

UNCLAS BANGKOK 34567

DEPT FOR RP/RAP AND S/R
INS/CO - FOR COMM (CORAP)

E.O. 12356: N/A
TAGS: PREF, I*
SUBJECT: KAMER REVIEW: FINAL STATISTICAL REPORT

REFS: BANGKOK 27636 AND PREVIOUS

FOLLOWING IS A STATISTICAL SUMMARY OF THE FINAL STATE OF THE REVIEW OF THE DENIED KAMER CASELOAD AS OF MAY 31, 1989.

- (SEE SECTION V FOR EXPLANATORY NOTES)
- ----------

I. GROSS STATISTICS.

	PEOPLE (1)					
	OLD BD	ATCHD FC/DC	TOTAL	(PCT)	CASES	(PCT)
CLOSED	11753	120	11873	(100)	2360	(100)
PENDING	0	0	0	(0)	0	(0)
TOTAL	11753	120	11873	(100)	2360	(100)

II. DISPOSITION OF CLOSED CASES

	PEOPLE (1)			
	BD	FC/DC	TOTAL	CASES
NON-U.S. REFUGEE DISPOSITION				
RESETTLED 3RD CTRY (2)	637	12	649	155
REPATRIATED/ -NOT INTERESTED	79	0	79	27
U.S. ID/SI ID CASE (3)	6	0	6	1
NON-U.S. REFUGEE SUBTOTAL	722	12	734	183
U.S. REFUGEE DISPOSITION				
NOT RECONSIDERED/DEN'D (4)	8163	63	8226	1824
- DEN'D PER BIA	(8125)	(38)	(8154)	(1588)
- DEN'D PER INS/DIC	(326)	(1)	(327)	(70)
- RECONSIDERED, DEN'D (4)	(713)	(34)	(745)	(156)
RECONSIDERED, OVERTURNED	1868	45	1913	353
REFUGEE SUBTOTAL	11031	108	11139	2177
TOTAL CLOSED	11753	120	11873	2360

III. CLOSED AND POTENTIAL OLD BD AND ATTACHED REFUGEE CASES BY PRIORITY (PEOPLE/CASES)

BANGKO 34567 00 OF 02 0606352

	OVERTURNS	DENIED/NOT RECONSIDERED	PENDING	TOTAL
P-1	0/ 0	0/ 0	0/ 0	0/ 0
P-2	0/ 0	0/ 0	0/ 0	0/ 0
P-3	492/ 92	922/ 189	0/ 0	1414/ 281
P-4	82/ 17	383/ 74	0/ 0	465/ 91
P-5	355/ 68	904/ 168	0/ 0	1259/ 236
P-6	984/ 184	2751/1576	0/ 0	3735/1760
TOTAL	1913/ 353	9960/2007	0/ 0	11873/2360

IV. STATUS OF CASES PENDING CLOSURE

	PEOPLE (1)			
	BD	FC/DC	TOTAL	CASES
PENDING NON-CAR CASEWORK	0	0	0	0
PENDING CAR:	0	0	0	0
PENDING SUMMARY SHEET - COMPLETION:	0	0	0	0
PENDING BIA FINAL ACTION:	0	0	0	0
PENDING INS:	0	0	0	0
- PENDING DEC	(0)	(0)	(0)	(0)
- PENDING INTERVIEW	(0)	(0)	(0)	(0)
- (INTERVIEWED/DEFERRED)	(0)	(0)	(0)	(0)
TOTAL PENDING	0	0	0	0

V. NOTES

1. "BD", BD" REFERS TO THOSE PER O-G COMMONLY DESCRIBED AS THE "DENIED KAMER". THESE ARE KAMER IN KOAO-I-0006 WHOSE APPLICATIONS FOR U.S. REFUGEE ADMISSION WERE INITIALLY CONSIDERED AND DENIED IN 1983-1985. SOME OF THESE PERSONS WERE REVIEWED AND DENIED AGAIN BETWEEN 1985 AND THE END OF FEBRUARY 1986.) "FC/DC" REFERS TO PERSONS ALSO IN KOAO-I-0006 WHO WERE REGISTERED AND ADJUDICATED AT A LATER TIME AS FAMILY CARD AND RATION CARD HOLDERS AND WHO ARE NOW ATTACHED TO THE DENIED KAMER CASELOAD BECAUSE THEY HAVE MARRIED INTO THE "DENIED KAMER" POPULATION. A RELATIVELY SMALL NUMBER OF PERSONS INCLUDED IN THE "OLD BD" NUMBERS IN THESE CHARTS MAY NOT BE PART OF THE ORIGINAL "DENIED KAMER" POPULATION DUE TO THE DIFFICULTY OF SEPARATELY TRACKING THE "FC/DC" PERSONS WHO HAVE MARRIED DENIED KAMER.

2. "RESETTLED 3RD COUNTRY" INCLUDES A MIXTURE OF OWEN DEPARTED, APPROVED-BUT-NOT-YET-DEPARTED, AND PROVISIONALLY ACCEPTED CASES.

3. IMMEDIATE RELATIVES AND SPECIAL IMMIGRANTS OF ANY ARE REQUIRED TO PURSUE U.S. IMMIGRANT VISA AND PROCESSING AND ARE NOT REVIEWED AS REFUGEES. PERSONS ELIGIBLE FOR PREFERENCE IV1 ARE REVIEWED AS REFUGEES BUT ARE ADVISED OF THE IV OPTION IF THEIR REFUGEE APPLICATION IS NOT RECONSIDERED OR IS DENIED AFTER RECONSIDERATION. ALL OF THOSE LISTED ON THIS LINE HAVE BEEN PROVISIONALLY ACCEPTED PENDING THE RESULTS OF MEDICAL EXAMINATION OR THE RECEIPT OF ADDITIONAL EVIDENCE OF FINANCIAL SUPPORT. THE IMMIGRANT VISA STATUS OF SUCH DENIED REFUGEE APPLICANTS WHO COULD LATER ENTER AS PREFERENCE IMMIGRANTS IS NOT TRACKED IN THE ABOVE CHARTS.

4. "DEN'D" MEANS "ORIGINAL DECISION UPHELD."

TRAINING FOR INS REFUGEE/ASYLUM ADJUDICATORS

PREFACE AND OVERVIEW

Office of the General Counsel
and
Refugees, Asylum and Parole
Office of Foreign Operations
Immigration and Naturalization Service
Washington, D.C. 20536

April 1989

P R E F A C E

The training materials devised as part of the INS training for refugee and asylum adjudicators -- and included in the following six (6) training modules -- represent optimum objectives for such INS adjudications.

Unless specifically identified as such, these modules convey neither operating instructions nor even formal guidelines: they convey objectives, to be implemented to the extent possible and feasible within constraints of a given situation at a given location.

INS refugee and asylum adjudications are distinctive within the Service: more than just an applicant's future may depend on a correct INS adjudication.

INS officers should, therefore, do their best -- within the financial and human resources made available to the Service for such adjudications and within the context of each particular situation -- to reach the objectives set out in these training modules.

T R A I N I N G C O U R S E O V E R V I E W

The training program for INS refuge and asylum adjudicators consists of six (6) main modules. These can be summarized as follows:

CONTEXT: giving the general context of refugee and asylum law, procedures, and considerations; when appropriate, this section ends with "Part V.": a discussion of the specific area context which is the focus of the training (such as Central American asylum-seekers, or Soviet emigres in Rome and Moscow).

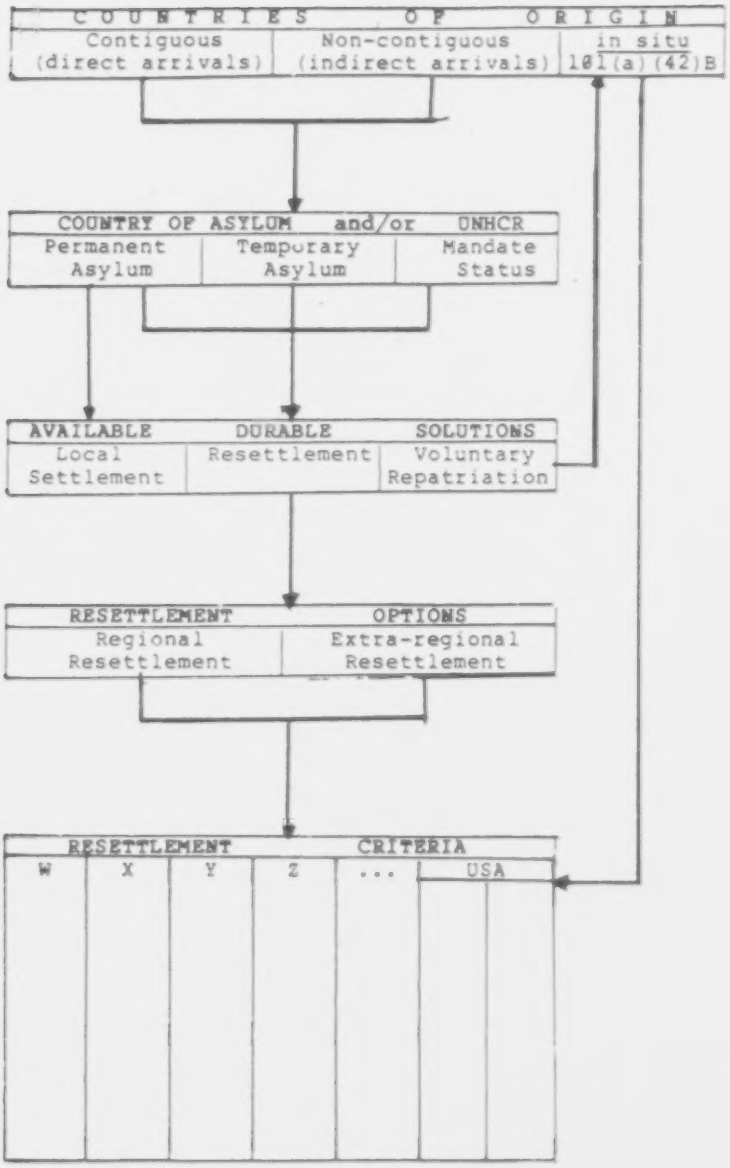
UNHCR: providing the international context of refugee and asylum adjudications [according to the refugee definition contained in the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol], including fundamentals of international refugee law, relevant UNHCR Executive Committee resolutions, and basic UNHCR eligibility determination procedures and considerations.

U.S. LAW: providing the domestic U.S. legal context of INS refugee/asylum adjudications, particularly the statutory basis of the adjudications process and case law relevant to INS adjudications decision-making.

INTERVIEWING: providing an overview of skills and techniques as these relate to the INS adjudications interview, first, as an inter-personal process, and followed by a section on the INS interview as an adjudications decision-making process.

COUNTRY CONDITIONS: providing written and/or taped materials concerning conditions in specific countries of origin, with materials focused on the needs of the adjudicators in order to correctly fulfill his/her responsibilities within the purposes of the INS interview.

ROLE-PLAYING: providing an opportunity for trainees to synthesize and utilize information obtained from previous modules; in most cases, this module will be delivered only as part of a formal training course. However, trainees learning within the self-teaching and/or on-the-job training formats will be encouraged to tape one of their interviews [but only with the prior consent of the applicant -- and on the knowledge that the interview itself will be erased after the training exercise has been completed], play it back for self-critique and/or supervisory training critique, and then erased [so no possible violations of confidentiality can be alleged]!



"NAMAL" INTERNATIONAL AND U.S. IMMIGRANT TRANSFER

Senator KENNEDY. The committee stands in recess.
[Whereupon, at 11:57 a.m., the committee was adjourned.]

APPENDIX I:

CORRESPONDENCE CONCLUDING THE COMMITTEE'S CONSULTATIONS WITH THE PRESIDENT'S REPRESENTATIVES ON REFUGEE ADMISSIONS FOR 1990

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS
HOWARD M. METZENBAUM, OHIO
DENNIS DeCONCINI, ARIZONA
PATRICK J. LEAHY, VERMONT
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STROM THURMOND, SOUTH CAROLINA
ORRIN G. HATCH, UTAH
ALAN K. SIMPSON, WYOMING
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
GORDON J. HUMPHREY, NEW HAMPSHIRE

RONALD A. KLAIN, CHIEF COUNSEL
DIANA HUFFMAN, STAFF DIRECTOR
JEFFREY J. PECK, GENERAL COUNSEL
TERRY L. WOOTEN, MINORITY CHIEF COUNSEL
AND STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

September 25, 1989

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As required by Section 207 of The Refugee Act of 1980 (P.L. 96-212), members of the Committee on the Judiciary have now consulted with your representatives on the proposed refugee admissions level for fiscal year 1990.

While we continue to support the objectives of your proposal -- as we have in years past -- we are very concerned that this year's proposed budgetary support will simply not meet refugee needs around the world. It was clear from the Committee's hearing on September 15th that the funds budgeted for 125,000 admissions falls short some $110 million from what will actually be needed to implement it, both here and abroad.

In short, without a reallocation of resources midway during the year, the pending refugee admissions proposal will clearly face serious fiscal or program problems.

We also want to once again express our concern that we maintain an appropriate balance as we allocate our resources between the resettlement of refugees in the United States and the provision of assistance to refugees in first asylum countries. As our refugee admissions have increased, our contributions to refugee assistance abroad have declined. It is important to keep in mind that for the $7,000-$8,000 we spend for each refugee resettled in the United States, more than 100 refugees in camps could be sustained. For many of the 14 million refugees around the world, our humanitarian assistance is a matter of life or death.

However, we commend you for your humanitarian leadership regarding refugee admissions for the coming year, even during difficult budgetary times. And while we concur in your proposal, we do so with the understanding that refugee numbers, and related budgetary limits, will require us to consult again with your representatives to make adjustments later in the fiscal year. In separate correspondence to Secretary of State James A. Baker, III, from members of the Subcommittee on Immigration and Refugee Affairs, these concerns will be outlined in more detail. We will remain in close contact with

the Secretary and the U.S. Coordinator for Refugee Affairs as the refugee program is implemented during the course of the year.

Many thanks for your consideration, and best wishes.

Sincerely,

Strom Thurmond
Ranking Member

Joseph R. Biden, Jr.
Chairman

Alan K. Simpson
Ranking Member
Subcommittee on Immigration
and Refugee Affairs

Edward M. Kennedy
Chairman
Subcommittee on Immigration
and Refugee Affairs

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN
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ORRIN G. HATCH, UTAH
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TERRY L. WOOTEN, MINORITY CHIEF COUNSEL
D.J. DUKE SHORT, MINORITY STAFF DIRECTOR

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

September 28, 1989

Honorable James A. Baker, III
Secretary of State
Main State Department Building
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Secretary:

Attached is a copy of the letter the Judiciary Committee has sent to the President concluding this year's annual refugee consultations, under the terms of The Refugee Act of 1980. It offers our support, with reservations, for this year's proposed program of refugee admissions.

At the outset, we would like to note that this was the 10th annual consultation since The Refugee Act brought a significant degree of structure and permanence to our programs for admitting refugees to the United States. And while we greatly appreciated the appearance and contribution of Deputy Secretary Lawrence Eagleburger, and that of Ambassador Jewel Lafontant, U.S. Coordinator for Refugee Affairs, we deeply regret you were unable to testify at our long-scheduled hearing and meet the statutory requirement that a cabinet-level representative consult with the Committee.

With two exceptions, the President's annual presentation to the Congress on our refugee programs has been made, appropriately, by the Secretary of State -- from Cyrus Vance under President Carter to George Shultz under President Reagan. We believe the appearance of the Secretary of State is appropriate because our refugee programs and policies toward them are fundamentally foreign policy issues -- not procedural questions for resolution by the Attorney General responsible for the Immigration and Naturalization Service. Refugee programs also represent one of the largest portions of the Department of State's budget -- often as high as one-fifth.

As several members noted at the hearing, we strongly feel that the Secretary of State, as the chief spokesman for our foreign policy, should represent the President at annual Judiciary Committee hearings on one of our Nation's principal foreign policy issues -- our assistance and help to refugees. We will not accept this year's departure from that tradition as a precedent for the future. To do so, would risk the broad and bipartisan support our refugee programs have always enjoyed.

Regarding the key issues and concerns expressed during this year's consultations -- which are reflected in the Committee's letter to the President -- they center on two points: first, refugee numbers, whether they are sufficient, properly allocated, and how they will be administered; second, budgetary, whether funds will be adequate to the task and what adjustments will have to be made to meet both refugee resettlement needs here and refugee assistance programs abroad.

There was a clear consensus at the hearing that the proposed refugee admission numbers will be inadequate, particularly in light of developments in the Soviet Union. While the 50,000 set for Soviet refugees is a respectable proportion of the 125,000 proposed for resettlement worldwide, it will hardly deal with the backlog that already exists, muchless respond to those already requesting or seeking interviews. After years of promoting the exodus of Soviet Jews and others who have faced persecution in the past, the United States cannot now close the very door it has tried to open for decades. Clearly, additional numbers must be forthcoming this fiscal year -- which, in turn, will probably mean additional funding. We cannot take funds from equally urgent refugee programs in other areas, (which are already $58 million short), nor can we ask the private sector to fund more than the 10,000 from the Soviet Union they are already expected to assist, given the severe financial strain the private voluntary organizations have faced over the past year.

The only realistic answer is supplemental funding for the Soviet program during the fiscal year -- a recognition that was clearly supported by the Senate during its consideration on September 20th of the Foreign Operations Appropriations bill. Hence, we would urge the Department to consult at the earliest possible date with the Committee to determine when and how much additional funding will be required in fiscal year 1990.

A second issue relating to the Soviet program deals with processing. As the Committee noted during the emergency consultations last April, and in our letter of May 26, 1989 to the President, we have been troubled over the continuing problems that have plagued the processing of Soviet refugee applicants. Since our consultations in May, the ensuing confusion, delay, and escalating costs of the program, particularly in Rome, have cost the State Department nearly $38 million in unnecessary but scarce refugee resources. We understand new initiatives are underway, and hope that the backlogs and uncertainty in Rome will be a thing of the past. In moving Soviet refugee processing to Moscow we urge the Administration to approach this transition with caution and flexibility, along the lines mandated by the Senate in the Foreign Operations Appropriations bill. If we are to avoid further delays, backlogs and inconsistent treatment of

applicants, we must be generous and more flexible until new guidelines and new procedures are established in Moscow for the future. In this regard, we find it of utmost importance for the voluntary agencies to have a significant counseling role in the Moscow processing.

When (and not if) supplemental funding requests are formulated by the Administration for additional refugee assistance, we ask that you remain vigilant, as we have expressed before, that refugee resettlement needs here not be allowed to squeeze refugee assistance programs around the world -- which help millions of refugees overseas in order to sustain refugee resettlement for a few thousand here. We can and should be able to do both.

In conclusion, there are three other refugee issues deserving of greater consideration by the Administration but, because of time constraints, could only briefly be discussed at the hearing.

The first relates to Cambodia, where the French-led diplomatic peace effort in Paris has temporarily failed and the conference adjourned until future notice. Over 350,000 Cambodian refugees along the border, and millions more inside Cambodia, are desparately awaiting for peace to return to their troubled land after nearly three decades of conflict. Our overriding policy should be to promote a peaceful future for Cambodia. This can only be achieved by preventing a return to power by the Khmer Rouge and Pol Pot. All Americans are thoroughly repulsed by the Khmer Rouge's history of butchery toward its own people and its continuing abuse even today of the refugees under its control along the border. There is strong support in Congress for a policy which opposes any future role for the Khmer Rouge and which will work aggressively with our allies to cut off military and political support for the Khmer Rouge.

On its face, our policy today seems to be caving in to pressure from the opposite direction. Our continued tolerance of the Khmer Rouge, via Prince Sihanouk's ever more mercurial leadership, undermines the peace process and can only prolong a civil war. It would be helpful to receive your views on our current policy objectives toward Cambodia following Vietnam's withdrawal and what actions the Administration has to isolate the Khmer Rouge.

Similarly, in Afghanistan, it is time to shift gears from a policy of supporting armed resistance to something that might be called a peace process. Continued military support only fuels a civil war when a military "victory" is not attainable. Soviet troops are gone -- as is the basis for our original military assistance program. What American purpose justifies

prolonging a civil conflict that has produced 5 million refugees desiring to return home, and an already devastated Afghan countryside? What is our current policy towards achieving peace in Afghanistan and promoting the repatriation of millions of refugees?

Finally, in Sudan, peace talks between the Khartoum Government and the southern Sudanese People's Liberation Army have also reached a standstill. Despite pledges to the contrary, the military government of General Al-Bashir seems to have failed to take advantage of efforts to bring the long civil war between north and south to a negotiated end. What are the prospects for the peace process being resumed and when? Earlier this year, after a Subcommittee staff mission to the field, we urged that the United Nations Secretary-General appoint a U.N. peace envoy if current negotiations then underway failed. Clearly, talks have not progressed since then, and the suffering of refugees throughout Sudan persists; is it not time to reconsider that recommendation for a special U.N. envoy, or some other international diplomatic initiative to end the conflict in Sudan?

There are many other refugee and humanitarian issues we will want to be in touch with you during the days ahead -- particularly the problem of Indochinese refugees, such as the current crisis in Hong Kong, and the need to fully implement the Comprehensive Plan Action on Indochinese refugees adopted by the Geneva Conference in June. But we did want to flag these refugee questions at this time before meeting with you later.

With best wishes,

Sincerely,

Paul Simon
Member

Edward M. Kennedy
Chairman
Subcommittee on Immigration
and Refugee Affairs

EDWARD M. KENNEDY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

September 28, 1989

Ambassador Jewel Lafontant
U.S. Coordinator for Refugee Affairs
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Ambassador Lafontant:

Thank you for your participation at last week's annual refugee consultation. Enclosed are copies of the concluding letters we have sent to the President and to Secretary of State Baker.

In addition, for the hearing record, I would like to raise with you a number of questions and issues that time did not allow us to pursue at the hearing.

1. UNHCR funding: As you know, the U.N. High Commissioner for Refugees faces a funding crisis of $100 million at a time when his Office is being asked by the international community to take on additional refugee assistance and protection responsibilities. This will obviously be the focus of much of the discussion next week at the Executive Committee meeting of the UNHCR in Geneva.

What has been the United States' response to the UNHCR appeal for additional funding; and what are we and other countries in the international community prepared to do to help?

2. Indochinese refugees: More than 61,000 "boat people" fled Vietnam during the first eight months of this year -- the highest figure of any year since the peak outflows of 1979-80, and Hong Kong is bearing the brunt of the influx. As you and Secretary Eagleburger discussed at the hearing, the Geneva Conference in June adopted a "Comprehensive Plan of Action" to deal with this outflow, by moving on three fronts: 1) expanding legal mechanisms for departure (the Orderly Departure Program); 2) Vietnam exercising greater control over its borders; 3) negotiating repatriation or "safe-return" of non-refugees after a screening process was established. Countries of first-asylum were to continue providing protection and safe-haven for arriving refugees, while third countries would continue to accept refugees for resettlement abroad.

What is the status of the Comprehensive Plan of Action adopted in Geneva in June? What progress has been made in negotiating repatriation or safe-return for non-refugees after a UNHCR-supervised screening process has been established?

The problem in Hong Kong is becoming acute, and conditions in the camps have been reported to be deteriorating, with a cholera epidemic forcing the closing of one. What has the U.S. been doing to be of help?

3. Release of Vietnamese political prisoners: Earlier this year, a major bilateral agreement was reached between the United States and Vietnam on the release and exit of former "political re-education camp" prisoners. What progress has been achieved to date in implementing that agreement; how many political prisoners have been given exit visas and departed Vietnam; and what are the anticipated numbers for the coming year? Finally, what plans does the Administration have to see to the special needs of this group, after so many years of uncertainties and separation?

4. Changing conditions in Eastern Europe: The "winds of change" in Eastern Europe, particularly as they relate to refugee issues, have been dramatic this past year, and should be cause for a major reassessment of our traditional refugee policies in the region. Hungary has already acceded to the U.N. Convention and Protocol Relating to the Status of Refugees, and Poland and the Soviet Union appear ready to follow. As several observers have commented, these actions will bring these countries into the international refugee system, not as producers of refugees, but as partners in finding solutions.

What changes are envisaged in U.S. refugee policy towards Eastern Europe over the coming year? As we move processing of Soviet cases to Moscow, what other changes are being planned for other Eastern European countries?

5. Role of the voluntary agencies: For over 30 years, the voluntary agencies have played a crucial role in our refugee program for Eastern Europeans and Soviets. Even under changed circumstances, with the closing of processing in Vienna and Rome, they still have a critical role to play -- particularly among Soviet cases. What efforts are being made to allow voluntary agencies, such as HIAS and World Relief, to open offices in Moscow to assist in the processing of Soviet cases within the Soviet Union, as they did in Rome?

6. Processing of individual refugees: Although the annual refugee consultations focus on groups of refugees from different countries which are "of special humanitarian concern" to the United States, nowhere in the legislative history of The

Refugee Act is there any indication or intent that individual refugees from other countries or groups might not be considered for resettlement. Indeed, the refugee "ceilings" are established by regions, not nationality specific -- although large nationality groups in need of resettlement are obviously reviewed and considered separately during the consultations.

Unfortunately, over time, the designations established during the consultations have tended to set nationality specific boundaries on refugee processing. Officers in the field have reportedly been instructed not to take applications from refugees fleeing countries not so designated, unless special permission is given from Washington. This has left some refugees -- such as a number of Kurds in the Middle East today -- excluded from consideration.

It is the Subcommittee's view that a small number of refugee resettlement numbers should be available each year for individual admissions dictated solely by the protection needs of the individual refugee -- not solely whether he comes from a country previously designated during the annual consultations. There ought to be sufficient administrative flexibility in the field to deal with such individual cases. Of course, shifting large refugee numbers would require further consultations along the lines of traditional reprogramming requests.

I would be interested in the Department's view of this recommendation -- and what actions are being taken to deal with some of the Kurdish cases in Turkey, Iran and Syria, as well as Burmese in Thailand and some Tibetans in South Asia.

7. Protections for Lebanese in the U.S.: As the President's principal officer for coordinating protection efforts for persons at risk, I would like to bring to your attention a number of Lebanese nationals in the United States who are fearful of returning at this time of high violence in Lebanon. Even our own embassy staff was evacuated due to security concerns.

What is the Administration's view on the protection needs of Lebanese nationals now in the U.S.? Has extended voluntary departure been considered for the group as it has been previously? If not, why not?

I am also enclosing some additional questions from Senator Grassley.

In closing, let me express once again the Committee's appreciation for your testimony. We valued your first participation at our hearings, and look forward to a close working relationship in the days ahead.

With best wishes,

Sincerely,

Edward M. Kennedy
Chairman
Subcommittee on Immigration
and Refugee Affairs

UNITED STATES COORDINATOR
FOR REFUGEE AFFAIRS
WASHINGTON, D.C. 20520

November 2, 1989

Dear Mr. Chairman:

Following the September 22 consultations on refugee admissions at which I testified, you submitted additional questions of your own and from Senator Grassley to be answered for the record. Please note that I have included responses to questions nominally addressed to Deputy Secretary Eagleburger which concern the activities of both the Department of State and the Immigration and Naturalization Service.

Enclosed please find the answers to those questions. We will endeavor to keep the Committee informed of further developments on these issues.

With best wishes,

Sincerely,

Jewel S. Lafontant

Jewel S. Lafontant

Enclosure:
As stated.

The Honorable
Edward M. Kennedy, Chairman,
Subcommittee on Immigration and Refugee Policy,
Committee on the Judiciary,
United States Senate.

UNHCR Funding

Question: What has been the United States' response to the UNHCR appeal for additional funding; and what are we and other countries in the international community prepared to do to help?

Answer:

The current financial situation of the Office of the United Nations High Commissioner for Refugees (UNHCR) is a matter of grave concern. The Bureau for Refugee Programs recognized at the outset of the fiscal year that the funds available for UNHCR in the Migration and Refugee Assistance Appropriation represented a significant reduction from the level of U.S. support provided in prior years at a time when refugee situations around the world were generating increased requirements. As you know, we were able to respond to the call for increased contributions only through the availability of an emergency supplemental (which included $11 million for UNHCR) and through repeated drawdowns from the President's Emergency Refugee and Migration Assistance Fund (which provided $13.1 for UNHCR). In this manner, total U.S. Government contributions in support of UNHCR 1989 programs reached $124.4 million. All U.S. funding availabilities for UNHCR have been exhausted until the new program year which begins on January 1, 1990.

During the recently concluded fortieth session of the UNHCR Executive Committee, member states and observers devoted much attention and time to the financial shortfall facing UNHCR in 1989. Agreement was reached on a financial package designed to enable the High Commissioner to continue to carry out vital programs to the end of the calendar year. This package revised the 1989 budget downward to $389.4 million and authorized the carry-over of up to a maximum of $40 million in obligations to be fully absorbed in 1990.

As part of this package, the Executive Committee approved the establishment of a Working Group to review thoroughly the composition and operation of UNHCR General Programs with particular attention to administrative and budgetary matters and the division of responsibilities between UNHCR and other institutions and agencies. The Working Group will be composed of representatives of the Executive Committee member states and UNHCR and will report to informal meetings of the Executive Committee in January and April and again to an extraordinary session of the Executive Committee in May or June. We will participate actively in the work of this Group.

Status of the CPA (Geneva, June 1989)

Question: What is the status of the Comprehensive Plan of Action adopted in Geneva in June? What progress has been made in negotiating repatriation or safe-return for non-refugees after a UNHCR-supervised screening process has been established?

Answer:

Much has been achieved since the International Conference on Indochinese Refugees (Geneva, June 1989) where the Comprehensive Plan of Action was adopted. This includes: a) screening is in place in First-Asylum countries, b) despite some shortcomings (incidents of push-offs), first asylum is generally practiced in the region; c) resettlement is proceeding on schedule; d) ODP is expanding; and e) voluntary repatriation is gaining momentum.

Screening: We are generally pleased with good faith efforts of first asylum countries to put programs in place. In Indonesia, screening began on July 24 with no results yet announced. Screening began in Malaysia on August 28. Some recommendations have now been made although no final determinations have yet been announced. The Philippines is screening with about 40 cases in the pipeline, and in Hong Kong screening has been underway per UNHCR guidelines since September, 1988.

Rescue at Sea and Singapore: Despite Singapore's agreement to UNHCR screening of Rescue-at-Sea (RAS) cases, no final arrangement has yet been worked out. In the interim, the U.S. continues to grant resettlement guarantees for RAS cases landing in Singapore and Hong Kong. Other destinations are screening such cases.

First Asylum: The United States' principal objective remains to preserve First Asylum in East Asia. We continue to work closely with UNHCR and governments in the region on this issue. We have vigorously protested incidents of push-offs and asked all parties to uphold their commitments to the Comprehensive Plan of Action (CPA), a carefully balanced agreement in which all elements must be made to work.

Resettlement: The U.S. agreed to resettle forty percent of the pre-cutoff date population over a three year period and about fifty percent of the post-cutoff screened-in (i.e. refugee population). Resettlement countries have agreed to take half of the pre-cutoff date population of 46,500 in the first year (by June 1990). Since this total is reduced from previous UNHCR pledging target of 52,590, the U.S. commitment

Status of the CPA, cont.

now appears to be 18,000 to 19,000. The U.S. plans to take ten thousand pre-cutoff Vietnamese during the first year. The combined resettlement commitments from the international community total 57,600 persons. The balance of resettlement commitments is expected to be applied to the screened-in new arrivals.

ODP: The U.S. has increased its interviews to nearly 4,500 regular ODP refugees, immigrants, parolees, and Amerasian cases per month. We hope to add to that shortly 1,000 re-ed cases per month. Effective August 28, the U.S. and Vietnam have agreed to begin a "special released reeducation center detainees resettlement program"; reeducation prisoners have hitherto been denied access to ODP. Although ICM has opened an office in Vietnam, serious limitations remain on Vietnam's capacity to process cases, including constraints on medical exams and transport.

Voluntary repatriation: As of the end of October, 1989, UNHCR's voluntary repatriation program in Hong Kong numbered 386 returnees and approximately 1,300 volunteers awaiting return. UNHCR is monitoring the returns and reports the volunteer repatriates have returned safely.

The U.S. has pressed for voluntary repatriation to be given a chance to work fully including: a) pressing UNHCR to provide adequate resources; b) working with the U.K, the Hong Kong Government and UNHCR to bring counseling of voluntary repatriates more into accord with CPA guidelines, and c) providing additional funding of $6.1 million for CPA implementation and related costs. However, the U.S. has become increasingly isolated in its position of strong opposition to involuntary repatriation.

Hong Kong Camp Conditions

Question: The problem in Hong Kong is becoming acute, and conditions in the camps have been reported to be deteriorating, with a cholera epidemic forcing the closing of one. What has the U.S. been doing to be of help?

Answer:

The United States government was very concerned by the unsatisfactory state of conditions at temporary camps in Hong Kong in late August. Since then Tai Au Chau, one of the most problematic camps, has been temporarily closed. Besides closing such facilities, the Hong Kong government can only make significant improvements by completing construction of more permanent accommodations.

We remain concerned by reports of violence and other poor conditions. The safety and humane care and maintenance of all asylum seekers is a primary interest of the U.S. government. We have been in constant contact with the British, UNHCR, and Hong Kong officials on all aspects of Hong Kong's problems with Vietnamese boat people.

We recognize that the large number of recently arrived boat people has strained Hong Kong's resources. Part of the problem in Hong Kong is budgeting shortfalls when the authorities must address rapidly escalating needs. We are working with the UNHCR and U.K. on resource problems. We believe that these pressures are best alleviated through the type of concerted international action called for in the Comprehensive Plan of Action (CPA) adopted by over 50 countries in Geneva (June 1989). The U.S. has contributed $6.1 million to UNHCR since June for CPA implementation and related programs in East Asia.

Release of Vietnamese Political Prisoners

Question: Earlier this year, a major bilateral agreement was reached between the United States and Vietnam on the release and exit of former "political re-education camp" prisoners. What progress has been achieved to date in implementing that agreement; how many political prisoners have been given exit visas and departed Vietnam; and what are the anticipated numbers for the coming year? Finally, what plans does the Administration have to see to the special needs of this group, after so many years of uncertainty and separation?

Answer:

Following formal approval August 28 of the bilateral U.S.-Vietnam agreement for resettlement of former reeducation center detainees, the two sides held the first Joint Working Group meeting on implementation September 19-20, in Ho Chi Minh City. Agreement was reached on the first 2,200 persons to be interviewed, with agreement expected shortly on another 800-900. The first 1,000 will be interviewed this month by U.S. consular and immigration officers in Vietnam. An additional 1,000 are expected to be interviewed both in November and December, from the initial list of names agreed to by the two sides. We plan to continue interviewing throughout the fiscal year at this rate, as new lists of names are agreed to by the Joint Working Group.

The first of these applicants are expected to be admitted to the United States early in calendar year 1990. We expect to admit 7,000 of them as refugees during FY 1990. Those who have immediate relatives in the United States who filed immigrant petition for them will be admitted as immigrants, not subject to the numerical ceiling of fully funded refugee admissions.

During the 10-year history of the U.S. Orderly Departure Program prior to the signing of the reeducation detainees resettlement agreement, a small number of these former prisoners managed to obtain exit permits and depart under ODP. The cumulative figure to date is 262 former detainees and 785 accompanying family members, for a total of 1,047 people.

The Bureau for Refugee Programs is discussing with the Department of Health and Human Services Office of Refugee Resettlement special programs to assist these former detainees in adjusting to a new life in the U.S., after years of incarceration and separation from family members. These programs are expected to be in place by the time the first of the former detainees arrive in the United States.

Changing Conditions in Eastern Europe

Question: What changes are envisaged in U.S. refugee policy towards Eastern Europe over the coming year? As we move processing of Soviet cases to Moscow, what other changes are being planned for other Eastern European countries?

Answer:

Our refugee policy for Poles and Hungarians is currently under interagency review in light of the significant liberalization and removal of travel and emigration restrictions that have occurred in Poland and Hungary. We will have more information to report once the policy review is completed.

Role of Voluntary Agencies

Question: For over 30 years, the voluntary agencies have played a crucial role in our refugee program for Eastern Europeans and Soviets. Even under changed circumstances, with the closing of processing in Vienna and Rome, they still have a critical role to play -- particularly among Soviet cases. What efforts are being made to allow voluntary agencies, such as HIAS and World Relief, to open offices in Moscow to assist in the processing of Soviet cases within the Soviet Union, as they did in Rome?

Answer:

We support the presence of voluntary agencies in Moscow and have made representations to the Soviet government to that effect. We recognize the utility of assistance by voluntary agency representatives in our refugee admissions efforts. Because the bulk of Soviet refugee processing will be done in Washington, the requirement for voluntary agency participation has been reduced. Nevertheless, the voluntary agencies will have access to the processing center for their resettlement services.

Processing of Individual Refugees

Question: What are the State Department's views on the Subcommittee's recommendation that "a small number of refugee resettlement numbers be made available each year for individual admissions dictated solely by the protection needs of the individual refugee?"

Answer:

The current law as well as the refugee processing system itself already provide sufficient flexibility to admit refugees, regardless of their nationality. This would include admission of persons whose protection is endangered7

Under the Refugee Act of 1980, admissions are allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation with the Congress. This Presidential Determination allocates admissions by region, not by nationality.

An annual instruction to U.S. embassies designates the nationals of certain countries that may be processed automatically for refugee admission to the U.S. This does not, however, exclude persons of other nationalities from consideration. Officers in the field are instructed to request authorization from Washington to process any applications from persons of nationalities not listed in the instruction. In fiscal year 1989, for example, applicants from China, Burundi, Somalia, Syria, Libya, and Lebanon were processed in addition to those nationalities included in the instruction to posts.

Handling of Kurdish Cases

Question: What actions are being taken to deal with some of the Kurdish cases in Turkey, Iran, and Syria, as well as Burmese in Thailand and some Tibetans in South Asia?

Answer:

When a person fearing or fleeing persecution requests U.S. assistance, s/he is referred to the host government or the local office of the UN High Commissioner for Refugees or his representative in that country. After screening and if referred to the U.S. for refugee resettlement, the person may be interviewed by an officer of the Immigration and Naturalization Service (INS). In adjudicating the case, the INS officer is obliged to evaluate (a) whether the person has a well-founded fear of persecution, (b) whether the person has been firmly resettled in any foreign country, and (c) whether the person is eligible under the Immigration and Nationality Act (INA) for admission to the United States.

Iran and Iraq are on the list of countries whose nationals may be processed as refugees without reference to the Department and, therefore, Iranian Kurds and Iraqi Kurds who are referred to us by the UNHCR or host government for processing may be adjudicated for refugee status. There have been a small number of Iraqi cases in Turkey, and the INS has travelled to Turkey to interview these cases. Our statistics on interviews show the nationality of refugees, but not their ethnic group, so we cannot confirm that Kurds have been interviewed.

Our current admissions capabilities are designed to respond to individual cases. We do not have in place a "program" to resettle large numbers of any nationality from Turkey. We have, however, been working with the UNHCR and the Turkish government to assist Turkey in providing care and assistance to refugees.

The primary issue surrounding the situation of Burmese in Thailand is their need for refugee assistance (food, shelter, medical care, and protection). The U.S. government is prepared to respond to specific needs. In addition, we did admit several Burmese to the United States in FY 1989 as parolees.

Handling of Kurdish Cases, cont.

We are not aware of any Tibetan refugees in South Asia who are in circumstances which would require that they be resettled in third countries, nor of any who have applied for admission as refugees to the United States. Under the leadership of the Dalai Lama, the Tibetan community has been well-established in India and Nepal for decades.

Protections for Lebanese in the U.S.

Question: As the President's principal officer for coordinating protection efforts for persons at risk, I would like to bring to your attention a number of Lebanese nationals in the United States who are fearful of returning at this time of high violence in Lebanon. Even our own Embassy staff was evacuated due to security conditions.

What is the Administration's view on the protection needs of Lebanese nationals now in the U.S.? Has extended voluntary departure been considered for the group as it has been previously? If not, why not?

Answer:

Since the beginning of a cease-fire on September 24, thousands of Lebanese have begun returning to their homes in and around Beirut. If the cease-fire continues to hold, there may be no exceptional need to protect Lebanese nationals now in the U.S. The Immigration and Naturalization Service, which handles the implementation of decisions on Extended Voluntary Departure (EVD), has reminded us that it has had a policy of sympathetic consideration of individual requests for EVD from Lebanese nationals in effect on a case-by-case basis since 1975. Because there had been uneven application of this policy, on October 12, 1989, the I.N.S. reissued its directive for sympathetic consideration of EVD requests from Lebanese.

Soviet Emigration Policy

Question: Historically, it has been United States policy to accord Soviet Jews a presumption of refugee status. What were the policy reasons behind according presumptive status?

Answer:

We believe that the concept of presumptive refugee status for groups of persons from the Soviet Union or any other country is contrary to the intent of the Refugee Act of 1980. In August, 1988, the Attorney General directed the Immigration and Naturalization Service to ensure the application of a worldwide standard of case-by-case adjudication of applications for refugee admission to the United States.

Potential Reversal of Soviet Emigration Policy

Question: How can we be sure that next year, the Soviets will not once again close its doors?

Answer:

Certainly, the historical record shows radical fluctuations in Soviet emigration policy. Virtually no one was allowed to emigrate from the Soviet Union before 1970. However, emigration grew significantly during the 1970's until Soviet authorities again shut the door in 1979.

There is good reason to believe, however, that changes this time are of a more permanent character. When emigration improved during the Brezhnev years, it was not accompanied by internal reform. To a large measure, freer emigration was based on Soviet foreign policy considerations. It was a response to Western pressures and was curtailed after the invasion of Afghanistan when relations with the West deteriorated. While recent Soviet improvements in emigration practice are undoubtedly motivated in part by foreign policy concerns, this time they are also accompanied by a process of internal reform which aims to eliminate many old restrictions, lower barriers to outside ideas, and establish institutions governed by predictable laws rather than official whim.

One element of this process is the apparent intention of the Soviets to enact a new law on emigration. The draft law, as we understand it, would bring the Soviet Union into virtual compliance with international standards.

Therefore, while keeping in mind the possibility of a return by the Soviets to the repression of the past, the U.S. must address its policies to the realities of the present.

Is This a Change in U.S. Foreign Policy?

Question: The Department of State, in its "World Refugee Report", states that "the effort to emigrate from the Soviet Union appears not always to confer the same degree of stigma and burden it once did." (p. 129). Does this statement mean that the State Department believes that an "appearance" of change is sufficient to justify a historic change in United States foreign policy?

Answer:

Although the Soviets have not yet enacted new emigration legislation which would codify the removal of barriers to emigration, they have taken many administrative steps to make emigration easier.

Over the last 15 - 20 months, the Soviet Union has removed a number of barriers to exit permission, most notably the requirement for prospective emigrants to give up houses and jobs at the time of application. Persons are now able to apply to leave and continue on with their lives until they have an exit visa and are ready to leave the Soviet Union.

An indication of these changes is the number of persons receiving exit permission. The Soviets claim that more than 200,000 have gotten permission so far in 1989, and the denial rate has been less than 3%. We cannot confirm these figures, but we do know that more than 100,000 have left the Soviet Union and that many more are being delayed only by a shortage of transportation.

In order to adapt to this change in Soviet policy, we have revised procedures for processing Soviet refugee applicants. However, we do not view our administrative adjustments as an "historic change in U.S. foreign policy." We continue to press for freedom of emigration from the Soviet Union, and we will again this year expand the U.S. refugee program ceiling for the Soviet Union in response to the increased numbers of persons being allowed to leave. Since we shall be receiving more Soviet emigrants in 1990 than ever before, we must adapt our procedures in order to be able to process them with the most efficient use of our resources.

Additionally, the Soviets have made steady progress in reducing the number of "Refuseniks" and divided families. Persons seeking to emigrate have had free access to our Embassy and to the Dutch Embassy in Moscow.

Change in U.S. Foreign Policy, cont.

The new ease of emigration for Soviets has led to a situation in which ever growing numbers of people are arriving in Rome and facing lengthening waiting periods, overcrowded housing conditions, and an increasing uncertainty about timely movement to the U.S.

We have instituted a number of changes in our processing procedures designed to alleviate some of these problems. Most notably, we will begin to phase out processing of Soviet refugee applicants in Rome. This will allow applicants to remain in their homes, schools, and jobs and continue with their lives while awaiting interviews.

African Refugee Ceiling

Question: Why did not the administration allot extra slots to African refugees to include the refugees already accepted by the U.S. in fiscal year 1989 as well as provide for new refugee slots for fiscal year 1990?

Answer:

In establishing the FY 90 ceiling of 3000 refugees for Africa, the Administration was cognizant of the fact that there were 2000 INS-approved refugees in Sudan who were not allowed to depart in FY 89. Our ceiling should allow us to clear up this backlog and provide an additional 1000 slots for FY 90 approvals.

Question: If the African Refugee slots for fiscal year 1990 were increased 3,000 to 5,000, an action that would provide 2000 slots for new applicants, would this require taking slots from other refugee categories?

Answer:

Yes. Assuming the worldwide ceiling remains the same, an increase in African numbers would require moving admissions numbers and funding slots from other regions.

Question: In planning ceiling limits for refugees in the different regions, are unfilled slots from that category in the prior fiscal year taken into consideration?

Answer:

Yes. In addition to taking into consideration unfilled slots from the previous fiscal year, we also look at country conditions and actual admissions from the region in setting refugee ceiling. For Africa this process meant an increase of 1000 numbers over the level estimated in our budget request for FY 90.

I.N.S. Interviewing Procedures

Question: The I.N.S. conducts interviews of applicants for refugee status at the I.N.S. Adjudication Center. How significant is the interview in the I.N.S. decision to grant refugee status?

Answer:

The interview is of paramount importance to the adjudication process.

Question: Isn't it true that the interview is a pivotal component of the application process?

Answer:

Yes.

Question: According to the Administration's proposals, applicants now must prove on a case-by-case, individual basis that he or she is a victim of persecution or has a well-founded fear of persecution. Will the I.N.S. interviewer make this determination whether persecution of fear of persecution exists?

Answer:

Yes.

Question: How long is the interview?

Answer:

20 - 30 minutes on the average.

I.N.S. Interviewing Process, cont.

Question: Do most applicants understand the significance of the interview?

Answer:

Every attempt is made through pre-interview briefings and handouts to explain the significance of the interview to applicants. Nevertheless, some applicants inevitably are not fully aware of the importance of the interview.

Question: Are any steps being taken to advise and educate I.N.S. officials as to the conditions in the Soviet Union? For example, the definition of persecution, the nature of being a religious minority in a totalitarian state?

Answer:

Yes, an extensive enhanced week-long training program has been conducted twice for I.N.S. adjudicators scheduled to work in Rome and/or Moscow.

Moving I.N.S. Adjudication Center to Moscow

Question: The United States is moving the INS adjudication center from Rome to Moscow. When will this occur?

Answer:

The U.S. government has established new procedures beginning October 1 for handling Soviet immigration to the U.S. All Soviets seeking refugee admission to the United States must apply at the U.S. Embassy in Moscow. Adjudications of Soviet applications in Vienna and Rome will be phased out during fiscal year 1990.

Question: Why is it being moved?

Answer:

For some time now we have been concerned about the system for processing those who have left the USSR with Israeli entry visas and travelled to Rome to seek entry into the U.S. as refugees. Having given up their jobs and their homes, the potential refugees must spend months living in difficult circumstances while waiting for their cases to be processed. Not all qualify as refugees, and the adjudication process can be lengthy. In addition, annual maintenance and care costs for applicants in Rome had reached approximately $34 million. Increasingly, the numbers leaving the USSR with Israeli visas who really want to come to the U.S exceed the availability of funded refugee numbers.

Therefore, we have decided to phase out the movement of those seeking entry to the U.S. through Rome and Vienna. This will not affect applicants who hold Soviet exit visas dated before October 1 and subsequently receive Israeli entry visas issued by the Dutch Embassy in Moscow during the first days of October. They may continue to apply for entry into the U.S. in Rome. But those who receive Soviet exit visas dated October 1 and after and wish to take up permanent residence in the U.S. msut apply at the American Embassy in Moscow. They will not be considered for refugee status by U.S. authorities in Rome, Vienna or elsewhere in the world. The U.S. Government will not be responsible for the living expenses of those who turn up in Rome or Vienna with exit visas dated after September 30.

Moving I.N.S. Adjudication Center to Moscow, cont.

Question: Will this move from Rome to Moscow affect the freedom or ability of potential applicants to apply?

Answer:

It will make the application process much simpler and less costly to the individual who previously had to leave the USSR in order to apply. We expect a much higher application rate, as a result.

Current Backlogs and Lines in Moscow

Question: Currently, there are tremendous lines and backlogs of applicants at the U.S. Embassy in Moscow, are these indications that things are not particularly efficient over there?

Answer:

In many parts of the world, including the Soviet Union, the U.S. Refugee Program has backlogs of applicants to be scheduled for interviews as well as applicants with interview dates. This is because there are limits on how many people can be absorbed each year into the United States and on the funds which are available for this purpose.

Question: What steps are being taken to improve the operation?

Answer:

New procedures took effect October 1. Soviet citizens will be required to apply for admission to the U.S. at the U.S. Embassy in Moscow. New application forms are being distributed at the Embassy and may be dropped off at a special box in front of the Embassy or sent by mail to a center in Washington where they will be processed. After the rush for forms during the first few days they were available, waiting lines for these documents no longer exist.

The United States will continue to receive applications from all interested Soviet citizens, but priority in scheduling interviews will be given to those with close relatives (parents, children, brothers and sisters, spouses) who are citizens or legal permanent residents of the U.S., as well as those of special concern to the United States. Many who have no close family ties in the U.S. will face long delays, and may wish to explore alternative destinations. Not all those who apply will be given appointments.

Those for whom we are able to schedule an appointment for an interview will be notified by mail directly from the Washington Processing Center. The interview will take place at the U.S. Embassy in Moscow.

Current Backlogs and Lines in Moscow, cont.

Soviet citizens who had planned to depart the Soviet Union for the United States using Israeli visas and who receive a Soviet exit visa dated October 1, 1989, or later will not be eligible to apply for admission to the United States in Vienna, Rome or a third country. They will need to apply in Moscow or by mail under the new procedures.

For the next several months, Soviet citizens intending to leave the Soviet Union for the United States using Israeli visas may apply in Vienna and Rome under the previous procedures if they have Soviet exit visas predating October 1.

The Embassy will not keep records of applications dropped off in front of the Embassy. Inquiries concerning applications must be made in writing, by mail, to the Washington Processing Center at 1111 North 19th St., Suite 600, Rosslyn, VA 22209.

Personnel Ceiling at Embassy in Moscow

Question: Isn't it true that in Moscow the Soviets determine how many employees are allowed at the U.S. Embassy?

Answer:

The personnel ceilings at our Embassy in Moscow and the Soviet Embassy in Washington (as well as those at the Consulate General in Leningrad and San Francisco) are set by a reciprocal agreement. Any changes in these ceilings must be agreed to by both parties.

Question: Moving the processing from Rome to Moscow will increase the burden on the Embassy. Will the Soviets allow us to bring more officials to the Embassy?

Answer:

To avoid the problems associated with increasing staff in Moscow, we have established an application processing center in Washington which will handle virtually all phases of case preparation, except the I.N.S. interview.

We have recently agreed in principle to increase the number of persons who can travel on long-term temporary duty and this increase will be sufficient, at least initially, to deal with the increased number of interviews which will be scheduled for I.N.S.

The overall workload of the Embassy is increasing, especially in the Consular area as more Americans travel to the U.S.S.R. and more Soviet citizens come to the U.S. on temporary trips. It is likely that this will require us to propose raising the permanent ceilings. We believe the Soviet Embassy in Washington is facing a similar increase in workload and that the Soviet Government would agree to such an increase.

Personnel Ceiling at Embassy in Moscow, cont.

Question: How will the Embassy work with this increase if it is constrained by the whims of Soviet officials?

Answer:

The constraints on personnel in Moscow are not because of Soviet whims but rather due to a balancing of the staffing needs of our Embassy and the need to minimize the size of the staff at the Soviet Embassy in Washington.

We intend to do virtually all of the case preparation in Washington, eliminating Embassy involvement with this program except for the I.N.S. interview and the handing out of travel packets to those cleared for movement to the U.S.

There are sufficient spaces available under the long-term temporary duty ceiling to accommodate the required I.N.S. staffers to meet our interviewing needs. We are prepared, however, to discuss raising the permanent ceiling if the increased refugee workload or any other workload so demand.

Refusal Rate in Moscow

Question: Why is the refusal rate for granting refugee status in Moscow approximately four times the rate in Rome?

Answer:

The difference in refusal rates is due primarily to the large number of Armenian applicants seen in Moscow, many of whom have very little claim to a well-founded fear of persecution.

Funded/Unfunded Slots for USSR and Eastern Europe

Question: Of the 50,000 slots allotted to Soviet and Eastern Europeans, 10,000 of those slots will be unfunded. Who will make the determination what refugees are eligible for the funded slots?

Answer:

The 6,500 ceiling for Eastern Europeans is fully funded. The ceiling for Soviets is 50,000, of which 10,000 are designated for private sector funding. We are working with resettlement communities to develop support for the 10,000 private sector numbers. Once support has been developed, we shall decide how they will be used.

Question: What criterion will be used in making the determination which refugees will be funded and which will not?

Answer:

This has yet to be determined. We are working with the voluntary agencies to develop the program for using the unfunded Soviet admissions numbers.

THE SECRETARY OF STATE

WASHINGTON

October 24, 1989

Dear Ted:

Thank you for your letter of September 28, which followed the consultations on refugee admissions for Fiscal Year 1990. You have noted several questions about our refugee programs to which I am pleased to respond.

Let me state at the outset that I regret that I was unable to attend the hearing on September 15. I agree that our refugee admissions policies and the ceilings which result from the consultations process we have just completed are critical foreign policy issues. I assure you that my absence from the hearing in no way symbolizes a diminished role for the State Department in the direction of U.S. refugee policy. Deputy Secretary Eagleburger and Ambassador Lafontant have briefed me fully on the concerns you and other Members of the Committee on the Judiciary raised during the hearing, and I am pleased that your exchanges allowed an extensive discussion of our Soviet refugee policy and other current issues.

I would like to point out, however, that many of the refugee issues of interest to the Congress and the public this year relate to the definition of a refugee and the application of that definition to particular populations. Because both of these issues, particularly the latter, are properly within the purview of the Attorney General, the Administration felt it appropriate that he represent the President in the refugee admissions consultations this year.

Regarding the key issues emerging from the consultations -- numbers and funding -- I share your concerns. The adequacy of the refugee admissions numbers for FY 90 revolves around the Soviet admissions program and the implementation of the change in processing venue from Vienna/Rome to Moscow. We have increased the numbers over those originally budgeted for FY 90 in order to respond to the new circumstances that exist today.

The Honorable
Edward M. Kennedy, Chairman,
Subcommittee on Immigration and Refugee Affairs,
Committee on the Judiciary,
United States Senate.

At this stage, no one is able to predict precisely how many admissions numbers will be needed in order to wind down the Vienna-Rome route and simultaneously respond to the surge of new applicants in Moscow. We will be consulting with the Congress on the funding question once the exact requirement is clear.

I understand the reasons for your argument that the 50,000 level for Soviet refugees may prove to be inadequate. However, there are already serious budget implications for the Department of State and the Department of Health and Human Services from our worldwide admissions level of 125,000. Indeed, we estimate the combined additional cost at over $100 million not included in any appropriations bills thus far. We therefore believe that the wisest course is to proceed with the 50,000 level for now and then reassess the situation as the year progresses. We will certainly consult with the Committee at the earliest possible time should admissions numbers and funding be necessary for more than 50,000 Soviet refugees.

Concerning refugee processing and the move to Moscow, the Administration has taken this step in order to expand our capacity to meet the dramatic surge in Soviet emigration while managing the program responsibly and equitably within specified ceilings and appropriations. Under the new procedures it is now possible for all Soviet citizens seeking emigration to the United States to apply directly at our Embassy in Moscow without facing the dislocations and hardships of applying in Rome. Those who come to Rome to apply for admission to the United States have to renounce their citizenship, give up their livelihoods, and spend months in limbo in third countries. Those who apply directly in Moscow do not have to take any steps to disenfranchise themselves from their homes and their lives before they know where they will be emigrating. Accordingly, the new application procedure is, in our view, a more humane and orderly process.

By moving the processing to Moscow, the United States will also save the millions of dollars required to provide care and maintenance for Soviet applicants in transit in Western Europe. The reduced cost per capita can be translated directly into a higher number of admissions within the same level of appropriations.

I am pleased to report that as of Monday, October 2, the American Embassy in Moscow began distributing the new applications and the procedure is working smoothly. In addition, our new Processing Center in Washington has been open to handle many of the program management tasks related to processing applications from the Soviet Union. As to your recommendation that American voluntary agencies be present in Moscow to perform the important counseling function, we have stated our support for such agencies to the appropriate Soviet authorities. Such agencies would not be characterized as extensions of the U.S. Government presence in Moscow (contrary to the suggestion of Soviet interlocutors), nor is this in their interest. Thus, the next step is for the voluntary agencies to apply independently for permission to open offices in Moscow in their own right. We will strongly support applications by qualified private agencies.

Let me turn to the three regional issues raised in your letter.

First, you question our policy on the Khmer Rouge. On this issue our policy has been unambiguous. Every public statement that we have made on the subject of Cambodia has condemned the Khmer Rouge's heinous and brutal record. In my opening statement to the Paris Conference on Cambodia, I said,

> "There must be safeguards that Pol Pot and other Khmer leaders responsible for mass murders will never dominate Cambodia again."

Our objective in Paris was to achieve a comprehensive and stable settlement which would ensure that the murderous Khmer Rouge would never again return to power.

While our policy has been one of wanting no role for the Khmer Rouge in any future Cambodian Government, we have supported the judgment of our friends in the region with the most vital interests in the Cambodian conflict -- Prince Sihanouk and the non-communist Cambodian factions, as well as the ASEAN countries. They believe that the chances for a durable peace are better if the Khmer Rouge, minus the leaders responsible for the murders of the 1970s, is included in an interim coalition led by Prince Sihanouk. This position was specifically endorsed in Paris by the United Kingdom, Canada, Japan, Australia and others. In that context, however, we have pressed for as minimal a role as possible for the Khmer Rouge and have clearly stated that our support for any future Cambodian Government will be directly and inversely related to the degree of Khmer Rouge participation.

As to what we are doing to "isolate the Khmer Rouge," we believe that the firmest assurance against a Khmer Rouge resurgence in Cambodia is a carefully crafted comprehensive settlement. This must include a substantial international control and peacekeeping mechanism, and the establishment of an interim coalition under Prince Sihanouk to lead the country to genuine democratic elections. A free and fair exercise of self-determination by the Cambodian people is the best insurance against the return of the Khmer Rouge. More specifically, we continue to raise this issue with the Chinese, reminding them of their responsibility to constrain the Khmer Rouge by any means possible, including reducing and eliminating arms supplies. The issue is one we are following very closely; none of us will accept a repetition of what happened in Cambodia between 1975 and 1979.

On Afghanistan, we are certainly opposed to the continuation of civil war. At the same time, however, we continue to support the opposition to the puppet regime imposed on the Afghan people by an outside power. The removal of Soviet troops from Afghanistan was an extraordinary victory for the courageous Afghan resistance and an important step toward resolving the conflict there. But it has not been sufficient. We do not believe it is in our interest to abandon our friends at this point, nor do we believe that Afghan refugees will return home as long as the Najib regime is in Kabul.

Our policy on Afghanistan remains that of supporting a political settlement. We continue to explore vigorously every reasonable avenue for a political solution to the conflict. Department officials and the Soviets hold regular discussions on Afghanistan. We also consult with friends and supporters of the Afghan resistance on working toward a political settlement, and we support the U.N. Secretary General in his efforts aimed at moving toward such a settlement.

With regard to Sudan, the new government headed by General Omar held a first round of talks with the Sudan People's Liberation Army (SPLA) in Addis Ababa on August 19-20. At the conclusion of that round, the two sides agreed to meet again, but did not set a date.

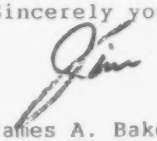
In the interim, the Sudanese Government has convened a Peace Committee in Khartoum. The Committee has over 100 members, from all areas of the country, and is charged with proposing solutions to the problems which have led to the current civil war. The Committee is expected to conclude its deliberations shortly; its conclusions will be presented to the government and then put forward to the SPLA as a basis for future negotiations.

Against that background, we continue to have an open mind on an outside mediation effort for Sudan. The timing is not good now, as the results are not yet in from the Peace Committee. If the Peace Committee effort does not materialize as we hope, perhaps the idea of outside involvement should be pursued.

I would like to note that, although the peace process in Sudan has gone slowly, there has been some progress in other areas. Operation Lifeline Sudan (OLS), the United Nations-led effort to avert starvation in southern Sudan, has been a success. At the close of Phase I, there is no discernable starvation and nutrition has improved greatly among the refugees and displaced persons in southern Sudan. The assistance of the Omar government in facilitating the movement of relief supplies was a major factor in this success. In addition, the unilateral ceasefire which the government proclaimed has been generally respected by the SPLA and continues in effect.

Let me conclude by returning to a point you made about our refugee programs. I want to thank you for your emphasis on the importance of protecting funding for refugee assistance. We contribute to international refugee assistance programs to keep alive those refugees who have fled their homes to seek shelter in neighboring lands -- the majority of whom will never be resettled in any third country. Our goal is that there should not be competition between U.S. refugee resettlement and international refugee assistance. Rather, the United States should maintain its position as the world's leader in both these fields. This is a difficult challenge, and we welcome the strong support of the Committee in this effort.

Sincerely yours,



James A. Baker, III

DEPARTMENT OF STATE
WASHINGTON

September 29, 1989

Dear Senator Kennedy:

I am writing in Secretary Baker's absence to respond to the questions you and your colleagues raised in your letter of September 20 concerning the Administration's recent decision on changing procedures for processing Soviet refugee applicants. My colleagues and I have reviewed the question of postponing the implementation date and concluded it is essential that October 1 should remain the effective date for the following reasons.

First, any extension beyond October 1 could well mean that no numbers for refugee admissions would remain for Moscow; all 50,000 would be required in Rome and Vienna. Currently, we assume that the October 1 cutoff date would leave us with at least 30,000 refugee admissions from Vienna/Rome. That would permit us to accept up to another 20,000 from Moscow, where we already have a backlog of 40,000 applicants awaiting INS interviews. Extending the cutoff date by even one month would shift these numbers dramatically, provoking a surge of departures from the Soviet Union into Vienna and Rome as applicants seek to "beat the deadline." With more than 10,000 Israeli visas issued in Moscow this month, we would anticipate seeing at least that amount of new applicants, if not more, at Vienna and Rome for each of the months following any postponement of the October 1 deadline. Simply put, this would leave virtually no refugee numbers in FY-1990 for any of the substantial number of applicants remaining in Moscow.

Second, the postponement of the October 1 deadline would have severe budgetary consequences. Persons processed in Vienna and Rome require food and lodging while they are in transit status, which can last up to six months. These costs are funded by the Department of State and come to approximately $1,300 per capita. Persons processed in Moscow do not receive such financial assistance. At current rates, therefore, even one month's delay of the October 1 deadline -- meaning 10,000 more arrivals -- would require an additional $13 million in

The Honorable
Edward M. Kennedy,
United States Senate.

appropriations. Moreover, funding for transportation and for the continuation of staff and related processing costs would increase this figure to more than $20 million. And that figure would be even greater if we see a surge in new arrivals beyond 10,000 per month, as is likely to happen.

Finally, the refugee applicants themselves would be subject to considerable uncertainty and inconvenience were we now to announce an extension of the October 1 date. The conditions in Vienna and Rome are not satisfactory. Those unsatisfactory conditions would continue and, perhaps, be exacerbated. Indeed, we believe it is more responsible to proceed with our announced cutoff, grandfather in those persons who have already begun the process of emigration, resolve all applications in the Vienna/Rome pipeline as expeditiously as possible, and then follow an orderly and clearly delineated program in Moscow.

We are aware of the concern of some American voluntary agencies that the new system may not be ready by October 1. While we may experience some start-up difficulties, we believe we are ready to put the new system in effect on that date. The new application forms have arrived in Moscow and will be available for distribution on October 2. The necessary INS and support staff is now in place in Moscow. We can also assure you that our new Washington Processing Center will be operating as of October 2 to process applications from Soviet citizens and provide information to relatives and sponsors in the United States. All other elements of our interviewing, transportation, and resettlement system are already in operation. We will certainly monitor this entire process closely and make any adjustments that are required.

We share your recognition that the way in which we implement the new emigration policy can have profound effects on the individual human beings concerned. Please be assured that we will take the utmost care to minimize the hardships which are always involved when people leave their homes seeking to emigrate to a new country.

I look forward to further discussions with you on the impact of developments in the Soviet Union on our refugee program as well as on other U.S. policies.

Sincerely,

Larry

Lawrence S. Eagleburger
Acting Secretary

DEPARTMENT OF STATE
WASHINGTON

September 26, 1989

Dear Senator Kennedy:

In response to Senator Metzenbaum's request, I am enclosing a memorandum by the State Department on the issue of providing funds for refugees on a loan basis, with each refugee signing a financial statement to pay back any such loans within a certain period of time. As you will see, the subject of refugee financing raises a number of interesting and sensitive issues. I would be pleased to meet with you and your colleagues to discuss these issues further after you have had an opportunity to review our memorandum.

Sincerely,

Larry

Lawrence S. Eagleburger
Acting Secretary

Enclosure:
As stated.

The Honorable
Edward M. Kennedy,
United States Senate.

FUNDS FOR REFUGEES

I. INTRODUCTION

This memorandum addresses the issue of providing funds for refugees on a loan basis, with each refugee required to sign a financial statement to pay back any such loans within a certain period of time. The memorandum begins with a discussion of the various component costs of admitting a refugee to the United States, with emphasis on those costs borne by the Department of State. The memorandum then considers the advantages and disadvantages of loaning funds to refugees rather than providing such funds as outright grants. Finally, the memorandum explores other alternative methods for financing refugee programs.

II. THE COSTS OF ADMITTING AND RESETTLING A REFUGEE

The average cost to the United States government of admitting and resettling a refugee is approximately $7,000. Of this amount, the State Department contributes approximately $2,000 and the Department of Health and Human Services (HHS) spends approximately $5,000. These figures are, of course, worldwide averages and will vary depending on the region from where the refugees come (e.g. -- whether there are expenditures for care and maintenance in transit, for langugage training, etc.)

The HHS funds are primarily for cash and medical assistance programs once a refugee arrives in the United States. A large portion of this special funding for refugees is provided directly to state governments as reimbursement for their usual share of Aid to Families with Dependent Children and Medicaid benefit costs. The remainder of the HHS domestic budget is for support or social services for refugees and for the Matching Grant program. In the latter program, HHS matches up to $953 of the contributions of private voluntary organizations toward the maintenance of refugees in their early months of resettlement in the United States. Most of the Matching Grant funds are used for the care of Soviet Jews. While we defer to HHS for a further explanation of the uses of its domestic resettlement budget and possible alternative methods for financing it, we would be pleased to work with HHS to explore such financing alternatives.

The State Department funds are primarily for arranging refugee admissions to the United States and for the initial reception period. There are four components to the State Department's refugee costs: a) refugee processing (which includes the extra costs of caring for and maintaining Soviet refugees processed through Vienna and Rome); b) transportation to the U.S.; c) reception and placement (R & P) grants to

voluntary agencies for resettlement services to refugees in the U.S.; and d) English language and cultural orientation training. Total obligations in FY89 for these functions were $213.2 million, to be used to admit just over 100,000 refugees. If the program operates in FY90 as it did in FY89, the resources needed for the proposed 111,000 refugees who are to receive full Federal funding would be slightly greater.

Of the four components in the Department's present admissions budget, only the transportation function currently uses the loan concept. Each of the four is described briefly below.

A. Refugee Processing Abroad

Refugee processing posts are located predominantly in Southeast Asia and Europe. The Department of State contracts with private voluntary organizations to assist in processing refugees for admission and resettlement. The Department pays for most administrative costs required to prepare cases for presentation to INS for refugee adjudications, as well as the subsequent overseas costs associated with those persons approved by INS for admission as refugees. These costs include such items as voluntary agency staff salaries, office space, materials, and equipment. As noted above, the additional costs for care and maintenance of Soviet refugees in Vienna and Rome come from this part of the budget. Obligations for refugee processing abroad in FY89 were $78.2 million (of which care and maintenance was $34.5 million), or 37 percent of the Department's admissions budget. Care and maintenance for Soviet refugee applicants will be phased out in FY90 as part of the shift of all Soviet processing to Moscow.

B. Transportation Services

Transportation services are provided through an international organization, the Intergovernmental Committee for Migration (ICM), created in the 1950s by the governments of several nations concerned about the post-war resettlement of migrants and displaced persons in Europe. The Department, along with agencies of other governments, contribute funds to ICM for use in a revolving account for refugee transportation. The account is intended to be partially replenished by repayments of the transportation loans made to refugees. During the process of arranging travel, ICM obtains promissory notes from refugees which obligate them to repay their loan within their first three years in the United States. Private voluntary agencies involved in refugee resettlement have the primary responsibility for loan collections, working closely with the Department and ICM. For every dollar collected, the agencies are permitted to retain 25 cents for their administrative expenses. The balance of the repayments to ICM reduces the annual contributions to ICM from the Department for current year requirements.

For the last five years (FY84 - FY88) the Department's payments to ICM have totalled $129,178,119, while repayments have totalled $64,809,589, or approximately 50 percent. In FY89 we expect that about $15 million will be collected for past travel loans. Because of increased refugee admissions, however, the obligation for transportation in FY89 is $63.4 million, or just under 30 percent of the Department's admissions budget.

C. Reception and Placement (R & P) Grants

The State Department provides R & P grants of $525 per refugee (expected to be raised to $560 in FY90) to twelve private voluntary agencies for initial resettlement services to refugees. The agencies contract to maintain refugees during their first month in the country and to provide services such as pre-arrival planning, airport reception, orientation to local communities, counselling, and referral for other necessary services. As noted above, many Soviet Jewish refugees as well as some others receive additional services under the HHS Matching Grant program. That program was instituted to extend the period of privately funded maintenance for three additional months. $52.8 million was obligated for R & P grants in FY89, or approximately 25 percent of the Department's admissions budget.

D. English Language Training and Cultural Orientation

The purpose of the overseas training program, administered by private voluntary agencies, is to help prepare refugees for economic self-sufficiency and cultural adaptation to the United States. The program focuses on the achievement of basic proficiency in English and the development of skills with which to cope in American society. The largest programs are in the Philippines and Thailand. There are smaller programs in Europe and Botswana. Obligations for FY89 were $18.8 million, or approximately 9 percent of the admissions budget.

III. ADVANTAGES AND DISADVANTAGES OF LOAN PROGRAMS

As already discussed, the transportation program is now operated on a loan basis. Experience with that program, which accounts for approximately 30 percent of the refugee admissions budget for FY90, provides some basis for considering whether to require loans for other components.

The obvious advantage of utilizing loans for other components of the State Department's admissions budget is that the repayment of such loans would reduce the amount of outlays by the U.S. government. The issue, however, is how to implement such loans in light of the concerns noted below.

First, transportation is a necessary component of admission to the United States; it is not an option a refugee can choose to forego. It is therefore possible to put transportation services on a loan basis and assume with confidence that refugees will agree to sign financial commitments to repay the loans. That cannot be said of other services. If English language and cultural orientation training, or reception and placement services were available only on a loan basis, some refugees, if given the choice, would decline to avail themselves of these programs. It would be difficult to force participation in these programs, which both facilitate the transition of refugees into U. S. society and relieve other institutions of the burden of dealing with uninformed newcomers for whom no one may be responsible.

Second, the private voluntary agencies which now collect the transportation loans would be best positioned to collect new loans, largely because they are more likely than the providers of overseas services, or the Department, to know where refugees are living in the United States. But experience shows that even these agencies have difficulty tracking refugees and, despite improved and standardized collection procedures, they have had only a 50 percent success rate in collections. Moreover, as noted above, the agencies retain 25 percent of collections for their administrative expenses. Accordingly, without regard to repayment rates, the Department must still annually transfer a substantial sum of money to ICM to replenish the transportation fund.

It would, of course, be possible to seek to require the voluntary agencies to take on the additional burden of collecting other loans. To do so, however, might well overwhelm the administrative capacities of some of the agencies, significantly diminish their ability to provide R & P services (their primary responsibility), and cause them to be seen as collection agencies rather than as advocates for and supporters of refugees.

It would also be possible for the Department to establish its own collection apparatus, but that would require substantial administrative costs and a major staff expansion. Moreover, in the few instances where the Department has assisted in collections and received funds directly, the Office of Management and Budget has required transfer of the monies to the Treasury Department. In those instances, then, there were large administrative costs without any direct offset to the Department's requirements for new appropriations.

Third, there is currently no requirement that the voluntary agencies guarantee repayment of the transportation loans. In our view it would not be practical to require a guarantee because we believe most of the agencies would not be willing to participate in our program with that condition. We recall that agencies testified strongly against proposed legislation in the

House in the previous Congress which would have made the agencies legally and financially responsible for refugees for their first 90 days in the United States. The agencies provide essential services to the Department. There are no other comparable alternatives. Moreover, even if we could successfully force participation, several of the agencies, which operate with minimal reserves, would be likely to go bankrupt. In addition, the task of seeking collections from refugees who are struggling with other obstacles to successful resettlement and self-sufficiency is a delicate one, and it is not clear what steps might be acceptable to take when refugees are unable to make required payments.

Finally, the establishment of any new loan program would require the government to make substantial outlays for start-up costs as well as replenishments. With a lag time for establishing a new collection process, several years would pass before we could expect a significant financial return.

In sum, it would certainly be possible to create new loan programs for each of the other three components of our admissions budget, and, in principle, we find the concept of doing so attractive. However, we would need to figure out ways to implement such loans while avoiding the pitfalls noted above. It seems clear that new loans would work less well than the transportation loans do now, primarily because refugees might refuse or might be forced to forego the services offered. Moreover, our experience with the transportation loans themselves has been of limited success, and we believe the administrative capabilities of the voluntary agencies might be overwhelmed if the Department were to impose further collection burdens on them. Nevertheless, the Department is open to reviewing this issue further, and to consulting with members of Congress about it.

IV. ALTERNATIVE FUNDING INITIATIVES

The State Department is also considering other alternatives for financing refugee programs. One potentially fruitful alternative that avoids the administrative problems associated with collecting loans is simply to expand private sector support for refugees before and during the admissions process. The fact that about 500,000 regular immigrants enter the country each year without government help, and that most of them do not receive public help after they arrive, suggests that private resources are available and that there is willingness to use them.

The Private Sector Initiative (PSI), which has been operating since June 1988, may provide a useful model for refugee programs. The PSI currently includes three pilot programs. The largest is the project of the Cuban American National Foundation for Cuban refugees admitted to the United

States from third countries. Approximately 2,200 refugees wil have been admitted under this program by the end of FY89. The other two programs began this year, one for the Federation of Zoroastrian Associations of North America for refugees from Iran, and the other for the Vietnamese Resettlement Association, a group of Vietnamese-Americans who wish to resettle Vietnamese longstayers. In addition, it is intended that 10,000 of the Soviet refugees in FY90 will be funded under a private sector program.

In the PSI, all of the basic costs of admission and resettlement for two years are paid by the private sector. The Department has no reason to believe that any Federal, state, or local resources have been expended to date in any PSI program. Nonetheless, there remain some critical obstacles to further expansion of the overall program. These include:

- o The lack of start-up funding. Several organizations believe they could operate successful private sector programs if they could obtain start-up funds for the first six months to a year.

- o The absence of affordable means for funding the catastrophic medical costs of privately-sponsored refugees. This is a major inhibiting factor in expanding private sector sponsors.

The State Department is continuing to look for ways to increase private sector participation in the refugee program. There is significant potential for new initiatives in this area and we would be pleased to work with members of Congress on this important subject.

APPENDIX II:

PRESIDENTIAL DETERMINATION OF FY 1990 REFUGEE ADMISSIONS

UNITED STATES COORDINATOR
FOR REFUGEE AFFAIRS
WASHINGTON, D.C. 20520

October 16, 1989

Dear Mr. Chairman:

I am pleased to transmit formally a copy of Presidential Determination No. 90-2, signed and dated October 6, 1989, entitled "Determination of FY90 Refugee Admissions Numbers and Authorization of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act." I have taken steps to have this Determination published in the Federal Register.

I welcomed the observations you made in your letter of September 25 to the President. I share your concern about the budgetary problems facing the refugee program in Fiscal Year 1990. As I mentioned in my September 15 testimony, the administration is committed to considering how we can best meet the unfunded requirements. I am preparing a detailed response to your letter of September 28 which I hope to send you shortly.

We are just in the beginning days of Fiscal Year 1990. This is liable to be a difficult year in view of the many problems facing refugees around the world and the tight budgetary situation here at home. I can foresee the need for a continuous process of close consultations with you and other mnembers of the committee. I look forward to working with you in advancing United States' interests in the refugee area.

Best regards,

Sincerely,

Jewel S. Lafontant

Jewel S. Lafontant

Enclosure:
Presidential Determination No. 90-2

The Honorable
Edward M. Kennedy, Chairman,
Subcommittee on Immigration and Refugee Affairs,
Committee on the Judiciary,
United States Senate.

THE WHITE HOUSE

WASHINGTON

October 6, 1989

Presidential Determination
No. 90-2

MEMORANDUM FOR THE UNITED STATES COORDINATOR FOR
REFUGEE AFFAIRS

SUBJECT: Determination of FY 1990 Refugee Admissions Numbers and Authorization of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act

In accordance with Section 207 of the Immigration and Nationality Act ("the Act") (8 U.S.C. 1157), and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions:

a. The admission of up to 125,000 refugees to the United States during FY 1990 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1990 with federal refugee resettlement assistance under the Amerasian admissions program, as provided in paragraph (b) below.

Fourteen thousand of these admissions numbers shall be set aside for private sector admissions initiatives. Of these, 10,000 shall be used for the Soviet Union, and 4,000 for any region. The admission of refugees using these numbers shall be contingent upon the availability of private sector funding sufficient to cover the reasonable costs of such admissions.

b. The 125,000 admissions shall be allocated among refugees of special humanitarian concern to the United States as described in the documentation presented to the Congress during the consultations that preceded this Determination and in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia Orderly Departure Program shall be reduced by one for each person admitted to the United States during FY 1990 with

federal refugee resettlement assistance under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in Section 101(e) of Public Law 100-202 (Amerasians and their family members):

Africa	3,000	
East Asia, First Asylum	25,000	
East Asia, Orderly Departure Program	26,500	
Soviet Union	50,000	*
Eastern Europe	6,500	
Near East/South Asia	6,500	
Latin America/Caribbean	3,500	
Not Designated	4,000	**

* (including 10,000 funded by the private sector)
** (funded by the private sector)

Utilization of the 111,000 federally funded admissions numbers shall be limited by such public and private funds as shall be available to the Department of State and the Department of Health and Human Services for refugee and Amerasian admissions in FY 1990. You are hereby authorized and directed to so advise the Judiciary Committees of the Congress.

Unused admissions numbers allocated to a particular region within the 111,000 federally funded ceiling may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the Judiciary Committees of the Congress prior to any such reallocation.

The 4,000 privately funded admissions not designated for any country or region may be used for refugees of special humanitarian concern to the United States in any region of the world at any time during the fiscal year. You are hereby authorized and directed to notify the Judiciary Committees of the Congress in advance of the intended use of these numbers.

c. An additional 5,000 refugee admissions numbers shall be made available during FY 1990 for the adjustment to permanent resident status under Section 209(b) of the Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under Section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with Section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)), I also specify, after appropriate consultation with the Congress, that the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States while still within their countries of nationality or habitual residence:

a. Persons in Vietnam and Laos who have past or present ties to the United States or who have been or currently are in reeducation camps in Vietnam or seminar camps in Laos, and their accompanying family members.

b. Present and former political prisoners and persons in imminent danger of loss of life in countries of Latin America and the Caribbean, and their accompanying family members.

c. Persons in the Soviet Union.

You are hereby authorized and directed to report this Determination to the Congress immediately and to publish it in the Federal Register.

cc: The Secretary of State
The Attorney General
The Secretary of Health and Human Services

APPENDIX III:

CORRESPONDENCE WITH AMERICAN VOLUNTARY AGENCIES ON THE ISSUES OF REFUGEE RESETTLEMENT AND REFUGEE ASSISTANCE

(Note: Printed below are correspondence with several U.S. voluntary agencies on the issues of refugee resettlement and refugee assistance overseas. The correspondence with the Subcommitttee was stimulated by a letter written on August 10, 1989 by the Subcommittee's staff director, Jerry Tinker, to all of the agencies affiliated with INTERACTION's Committee on Migration and Refugees.

Mr. Tinker's letter is printed first, with the responses received following.)

JOSEPH R. BIDEN, Jr., DELAWARE, CHAIRMAN
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R.J. DUKE SHORT, MINORITY STAFF DIRECTOR

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

August 10, 1989

Text of letter to American Voluntary Agencies:

Dear:

Next month our Committee will be consulting again with the President's representatives on the level and allocation of refugee admission numbers for the coming fiscal year. We will also be reviewing all aspects of America's refugee program here and abroad. In this connection, I am writing to solicit your views before these consultations -- as well as to raise some troubling questions with you -- regarding our current and future refugee program.

As you know, during this time of severe budget constraints, the allocation of increasingly scarce resources accompanied by ever growing humanitarian needs, makes refugee issues (and the budgetary trade offs) we face all the more difficult and painful. There was a time, not too long ago, when we could respond to a new humanitarian emergency through emergency, supplemental appropriations -- obtaining additional funds, based solely upon the additional needs of refugees. This reflected the long-standing humanitarian traditions of the American people and our record of responding to people in need around the world. Obviously, it isn't so easy to do so today.

The rigid budgetary structures and ceilings of the Gramm-Rudman budget Act have pitted new humanitarian needs in one area of the world against equally urgent humanitarian needs in another. For the first time in memory, we are literally in the poverbial "robbing-Peter-to-pay-Paul" dilemma. No longer can we automatically expect that when a new refugee or humanitarian emergency arises -- such as in the sudden outflow of Somali, Soviet, or Indochinese refugees -- that their increased need for humanitarian assistance will automatically be addressed through a supplemental appropriations bill. Rather, new emergencies are today met by subtracting from other refugee programs -- not by supplemental "add-ons."

This imposes some extraordinarily hard choices on all of us who care deeply about helping refugees who are most in need, in areas where they are most in need, and in the most appropriate manner. The demand for resettlement remains high, and I believe our response should be generous. But I would be interested in your thoughts about what appropriate levels of resettlement should be in light of the urgent need next year to

provide continuing lifesaving assistance to Mozambicans and Sudanese, as examples, or to provide repatriation programs in Namibia, Afghanistan, and hopefully, Cambodia. In short, we would appreciate your views on what the priorities of our whole refugee program should be, including resettlement, assistance, and repatriation.

Although I hope, as many others do, that these budgetary constraints will ease in the years ahead, we nonetheless face some extraordinarily tight budgetary requirements today. For example, do we help resettle more refugees in the United States, but, in doing so, subtract from our ability to assist millions of other refugees overseas? Unfortunately, we can no longer do both under current budget ceilings.

Here are some of the cold facts with which we are struggling:

1. There is nearly a 500-to-1 ratio between the cost of resettling a refugee in the U.S. vs. assisting one overseas. For every dollar spent each day in resettling a refugee here, we can give livesaving food and medicine to 500 more in camps around the world.

2. Under our current programs, the U.S. will pay 3.9 cents per person per day in a refugee camp in Africa, but pay between $7,000-$8,000 per person per year (which equals $19.70 per day) for the same refugee resettled in the U.S.

As Senator Kennedy expressed it in the last emergency refugee consultation letter sent to the President from the Committee:

> ...While we support this emergency request for additional refugee admissions, we remain concerned during this time of budget constraints over the continuing trend to squeeze overseas refugee assistance programs -- which help millions of refugees around the world -- in order to sustain refugee resettlement in the United States for a few thousand. As the Committee noted in its September 23, 1988 letter approving this year's refugee program, we must be certain our resettlement program does not prevent our overseas assistance from responding adequately to the life-threatening needs of refugees abroad. (From a May 26, 1989 letter from Senators Biden and Kennedy, to the President, in accordance with Section 207(e) of P.L. 96-212)

These are difficult times, as the needs of refugees overseas grow while our budgetary resources become more limited -- when the demands for costly third country resettlement threaten to eclipse funds available for relief programs overseas.

Again, we welcome your thoughts as we begin consideration of the President's request for refugees in fiscal year 1990. With best wishes,

Sincerely,

Jerry M. Tinker
Staff Director
Subcommittee on Immigration
and Refugee Affairs

LUTHERAN IMMIGRATION
AND REFUGEE SERVICE

122 C Street NW, Suite 300
Washington DC 20001-2172
202/783-7509

September 1, 1989

The Honorable Edward Kennedy
United States Senate
Washington, DC 20510

Dear Senator Kennedy:

The Administration and the U. S. Congress will soon engage in consultations to determine refugee admissions ceilings for Fiscal Year 1990. I want to share with you a series of comments and recommendations we have presented to Ambassador Jewel S. Lafontant, U. S. Coordinator for Refugee Affairs, regarding needed levels of refugee admissions in the coming year.

The voluntary agencies involved in the U.S. resettlement program are aware of the many pressures that affect the U. S. Refugee program. We are particularly cognizant of budgetary constraints; yet we also want to state for the record that for the past two years the refugee program has seen both emergency admission consultations and supplemental appropriations mid-course through the fiscal year. We strongly urge the administration to set realistic and adequate admission ceilings and consistent funding levels for FY 1990.

If your staff should have additional questions or comments, please do not hesitate to call us. The voluntary agencies stand ready to work in partnership with the U. S. government to assist refugees in need of resettlement across the world.

Sincerely,

Donald H. Larsen
The Rev. Donald H. Larsen
Executive Director

Chair, Committee on Migration
and Refugee Affairs,
InterAction

DHL/f

RPG REFUGEE POLICY GROUP
CENTER FOR POLICY ANALYSIS AND RESEARCH ON REFUGEE ISSUES

September 11, 1989

Mr. Jerry Tinker
Staff Director
Subcommittee on Immigration and Refugee Affairs
Committee on the Judiciary
Washington, D.C. 20510-6275

Dear Jerry:

Thank you for your letter of August 10, 1989 regarding the upcoming consultations on refugee admissions. Your leadership in raising the important issues that must be addressed in determining U.S. admissions priorities is very much appreciated.

I agree with you that the continued U.S. commitment to resettlement should not come at the expense of our international priorities related to refugees. As you point out, there are many urgent needs within the worldwide refugee program. Several new refugee movements -- such as the movement of Somalis and Sudanese into Ethiopia -- are severely taxing the capacity of the refugee system to provide assistance. At the same time, repatriation may become a reality for millions of refugees.

Whether dealing with new crises or finding solutions to older situations, there are costs associated with these refugee movements. For most refugees worldwide, the most important role that the United States can play is to support international assistance and protection efforts. That means ensuring that a substantial part of the resources available for refugee protection and assistance goes to the U.N. High Commissioner for Refugees and other concerned international organizations. UNHCR is currently undergoing a funding crisis, with projections of a $100 million shortfall in its general program. It is important that the United States, along with other member states of the UNHCR, work to ensure that needed funding is forthcoming and that available resources are used effectively. Placing too many of the limited refugee resources in resettlement could well impede our ability to do this.

Given these financial issues, it is important that the United States look closely at its priorities in setting refugee admission numbers. I would disagree with one point you raise in your letter, though, regarding the relationship between domestic and international funding. You use the figure of $7,000 - 8,000 per person per year as the resettlement cost, and contrast it with the much lower cost of and larger numbers requiring international assistance. The resettlement costs you cite include the HHS budget as well as the State Department's funding. I wish you well in trying to transfer some of the HHS budget into international assistance even if domestic savings could be achieved through appropriate policy and program improvements.

Regardless of the financial implications of resettlement decisions, there is need for reexamination of the admissions program and its priorities. This is particularly true with regard to refugees from Eastern Europe and the Soviet Union. The rapid changes taking place in such countries as Poland and Hungary, and to a lesser extent, the Soviet Union would argue for a close look at individual applicants to determine if they do fit the refugee definition. The trend in Congress seems to be counter-productive, in restoring a presumption of refugee status to Soviet and other Eastern European emigres. This is not to say that there are no refugees coming out of the East. Quite the opposite. And, even more significantly, there is the potential for massive refugee movements, particularly if nationality tensions are exacerbated.

It is just because of the instability in the East that it is important to preserve the integrity of the refugee admissions program. Otherwise we may not have the capacity to respond to crises as they arise. Protecting the refugee program will be difficult, though, in the absence of alternative admission mechanisms. Because regular immigration channels are not sufficiently flexible to permit entry on humanitarian and foreign policy grounds, there is a tendency to rely, sometimes inappropriately, on refugee admissions to deal with the range of reasons that the United States wishes to admit people.

As you know, for the past five years, RPG has advocated the establishment of a new admissions category to permit the entry of people who do not meet the refugee definition but who are of special interest to the United States. The need for such a category is even greater than it was in 1985, and I hope Congress will consider it as part of its overall examination of immigration and refugee policy.

Even with the establishment of a new admissions category, the United States will be facing challenges in responding to the changes going on in Eastern Europe, as they pertain to refugee issues. Hungary has acceded to the U.N. Refugee Convention and Poland and the Soviet Union are expected to follow. This action will bring them into the international refugee system not as producers of refugees but as partners in finding solutions. We can see already that Hungary has become the frontline of asylum countries for Eastern Europeans and is likely to begin receiving other asylum applicants as well. At the same time, our Western European partners are reexamining their refugee policies, particularly in the context of the European Community's aim to open internal borders by 1992. All of these events mean that the United States should be giving high level policy attention to formulating its refugee resettlement priorities, not through ad hoc responses to the events of the day, but in the context of a changing international scene.

You asked in the letter for thoughts on appropriate levels of resettlement, given the various factors that need to be considered. Let me answer by suggesting some principles that should govern decisions on priorities.

First, top priority should be given to resettlement of individuals requiring the protection that admission to the United States can afford. Worldwide, there are individuals and groups who are in tenuous situations. Some are clinging to a fragile refuge in a country of first asylum, in some cases facing the threat of refoulement. Many are still in their countries of origin, continuing to face the threat of persecution. It is a strength of the Refugee Act that the U.S. government can declare those still in their country of origin to meet the refugee definition and provide them safety through resettlement. Where we can effect the release of the persecuted through these means, we should give it the highest priority.

One of the most compelling groups for whom numbers should be ensured are people released from political reeducation camps in Vietnam. The United States and Vietnam have recently negotiated an agreement for the exit of these political prisoners, many of whom remain in jeopardy while still in Vietnam. There are reportedly some 27,000 cases of former inmates on record already in the ODP files. With an average of five accompanying family members, the total number on file to date would be about 135,000. These are cases of people who have spent considerable time in reeducation. The Vietnamese government is speaking of even higher numbers -- 100,000 former detainees.

Even at the lower numbers on file, responding to the new potential for the release of political prisoners will require a major U.S. commitment over the next few years. To date, we have tended to see the release of political prisoners as a bilateral U.S.-Vietnamese issue. The recent International Conference on Indochinese Refugees followed this track. Finding options for the political prisoners should be seen, however, as an international responsibility since they so clearly fit the standard by which protection should be afforded. The United States should therefore work with the UNHCR to find resettlement opportunities in countries in addition to the United States for those released from reeducation camps.

Second, numbers should be available for resettlement of refugees as part of the international effort to find durable solutions. Many refugees worldwide will remain for long periods in care and maintenance situations, unable to resume a normal life. Part of the U.S. resettlement effort should be geared towards helping these individuals. To the extent possible, the United States should use its commitment of resettlement numbers to try to leverage the commitment of other countries to resettling refugees as well. Since the need for durable solutions is an ongoing one that need not be handled as an emergency program, one approach would be to reestablish the concept of a "normal flow" refugee program and set a number of slots to which the United States will commit itself yearly. Certainly, first priority here should go to the resettlement of individuals with family and other ties to the United States. As clearly, we should not offer admissions to individuals who have the potential for admission to other countries. In addition, to encourage other nations to provide resettlement opportunities, it may be useful to establish a small program, perhaps on a first come, first serve basis, for people with no connections to third countries.

Third, where the United States has made commitments to share the burden of resettlement, there should be numbers to permit us to live up to our obligations. An example here is the resettlement of refugees from first asylum camps in Southeast Asia. Our admissions policies should be worked out in coordination with our partners in resettlement, particularly as needed to ensure that the recently agreed to Comprehensive Plan of Action can be properly implemented. A second example is the admission of Eastern Europeans who have already been approved for resettlement. Many of the Eastern Europeans have been on hold for movement into the United States from Vienna, Rome,

Frankfurt and elsewhere in Western Europe because first priority was given this year to the movement of Soviet emigres. In the meantime, the Western European countries have been left with the financial burden of assisting the refugees awaiting resettlement.

Fourth, nationality should not be the sole basis upon which determinations are made that certain refugees are of special humanitarian concern to the United States. Each year refugees from certain countries are given this designation during the consultations between the Admission and Congress. These designations effectively set the boundaries of the U.S. resettlement program. Officers in the field have been instructed not to take applications from refugees leaving countries not so designated, unless special permission is given from Washington. While having nationality designations makes the administration of the admissions program easier, it should not limit our ability to admit individuals, on a case-by-case basis, who need protection even if they are from a country not considered by the consultations. A small pool of numbers should be designated each year for admissions that are determined solely by protection needs and are applied regardless of country of origin.

Without getting into the specific numbers that these principles would translate into, it is clear that the need for resettlement numbers exceeds the federal resources likely to be available for the coming fiscal year and beyond -- even if all nonrefugees were diverted into a new humanitarian admissions program. While it is clear that the United States cannot solve the worldwide need for resettlement on its own, it would be unfortunate if lack of federal funding were the reason for setting numbers lower than they should be and/or of diverting funds from the overseas refugee program to pay for resettlement.

A number of steps could be taken to reduce the federal costs of the domestic assistance program and to improve its effectiveness. We outlined them in greater detail in our report on Future Directions in the U.S. Refugee Resettlement Program. They include:

- streamlining of the resettlement program and its administrative structures, in order to eliminate duplications, reduce administrative burdens and costs, direct resources towards more efficient service delivery, and enable better planning.

- rebuilding of broad public support for the resettlement effort, in order to stimulate more effective involvement of the private sector, including the families and ethnic communities of the incoming refugees as well as the recruitment of new groups that have not previously been involved in resettlement;

- tailoring of resettlement services more closely to the needs of refugee families with the aim of stimulating more rapid attainment of self-sufficiency; and

- reexamination of eligibility criteria for assistance, with an aim towards reducing utilization by those who do not need even short-term transitional aid.

Reducing unnecessary costs in the resettlement system and bringing new resources to bear will require leadership in the federal refugee program -- leadership that is not now in place. Only the U.S. Coordinator and Director of the Bureau for Refugee Programs among the major positions responsible for development and implementation of refugee policy are in office. With the best of wills, they cannot alone tackle the difficult issues facing the refugee program. A high priority must be given to filling in the rest of the policy team that will be needed to meet the challenges ahead. And, it is not just a question of filling appointments; it is assuring that these appointees are not buried in bureaucracies unable to develop and advocate creative solutions to the challenges that lie ahead. I hope that the subcommittee will give particular attention to this issue at the upcoming consultation hearing.

I hope that these thoughts are helpful to you in preparing for the consultations. Please feel free to circulate them as you see fit. I look forward to further exchange of views on these issues.

Sincerely,

Dennis

Dennis Gallagher
Executive Director

DG.sfm.m

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*EXECUTIVE COMMITTEE

September 12, 1989

Mr. Jerry M. Tinker
Staff Director
Subcommittee on Immigration
and Refugee Affairs
Committee on the Judiciary
United States Senate
Washington, DC 20510-6275

Dear Jerry:

I am writing to thank you for your letter of August 10. Many of the voluntary agencies which received similar letters will be meeting to discuss it and consider a collective response. What I would like to do, on behalf of the International Rescue Committee, is to address the underlying idea you express which pits the cost of refugee resettlement against the cost of helping refugees overseas. You cite, in particular, refugee camps in Africa.

As you know, the IRC is active both in resettlement and assistance. We are presently working in African refugee camps in Malawi and in the Sudan, to stay with your examples. The questions you raise are thus part of our daily concerns. The difficulty of properly allocating limited resources is not confined to the relatively simplistic "either or" categories you highlight. It permeates all aspects of refugee work. For example, should one, when working in refugee camps, give priority to the needs of one group as against another? Should one emphasize feeding programs as opposed to medical assistance? Or, looking at the latter, should one abandon curative medicine and let the sick die in order to concentrate on preventive medicine?

These are often formulated as real and not spurious issues. Whenever we provided clinical medical services in camps, costly by their very nature and involving expatriate medical personnel, again costly even if they are volunteers, there are those who say go slow because the limited funds available may save more lives by providing vaccines which can be administered by local paramedics. The same sorts of questions present themselves in refugee resettlement, especially when faced with the heavy expenses involved in re-training or re-certifying a small number of refugee professionals as

contrasted to large numbers of refugees receiving basic English language training.

It us from our experience in the field, rather than from abstract discussions in New York or Washington, that we have come to understand the interconnectedness of both forms of service and to deny the validity of any such posited dichotomy. We are equally disinclined to consider as inherently contradictory the needs of refugees in camps, where conditions are indeed often life-threatening, and the needs of refugees for whom resettlement, and only resettlement, is the life-enhancing solution.

The fact that there has never been enough money for refugees should not lead those who are committed to the refugee cause to adopt an ahistorical approach to the choices we face. For example, anyone who wanted to help the victims of the Nazis had to seek resettlement opportunities for them. The same, with better results and without the tragic alternative, has been true time and time again - for the Displaced Persons, the Hungarians, the Cubans, and for the Indochinese. The same is true today for the Vietnamese Boat People and those coming from the Soviet Union. Of course, we can deny their credentials. The British do not want Vietnamese refugees in Hong Kong, so they declare them to be economic migrants. From this a priori finding they put them into sub-human camps, lacking minimal decency, and reserve the right to send them back forcibly. We, it seems, are about to reverse decades of commitment to the cause of Jews in the Soviet Union by denying they are - or perhaps ever were - refugees.

This way of coming to terms with difficult and burdensome situations is not uncommon. We all have a tendency to denigrate the worthiness of people whom we would rather not help, especially when the impact of their flight has become dulled, when its immediacy has worn off, or when the numbers seem to have become unmanageable.

As we near the consultations on FY 1990 admissions, there will be no shortage of voices calling for reduced numbers. The voluntary agencies have put forward their collective views on the minimum numbers of refugees we should admit in FY'90. IRC stands behind these numbers and urges the Senate to do the same. It is, therefore, terribly important that the voices of generosity speak loudly and in unison. It would be unnatural to think of Senator Kennedy and yourself in any other relationship than that of allies in this cause.

All best regards,

Bob DeVecchi

Robert P. DeVecchi
Executive Director

NATIONAL SPIRITUAL ASSEMBLY
OF THE
BAHÁ'ÍS OF THE UNITED STATES
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Office of External Affairs

September 19, 1989

Mr. Jerry Tinker
Staff Director
Senate Subcommittee on
Immigration and Refugee Affairs
520 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Tinker:

The American Baha'i community hopes the FY-1990 refugee program will accommodate some 300-350 Baha'is who have fled religious repression in Iran. They are among 1000-1200 Iranian Baha'i refugees, most of whom are now in Pakistan.

Since the administration is proposing fewer visa numbers for the Near East/South Asian area than in previous years, we feel it is particularly important to emphasize the policy (long supported by the Congress) of according special preference to members of religious minorities who have suffered on account of their religious beliefs.

Congress has repeatedly expressed concern for the religious repression of Iranian Baha'is. S. Con. Res. 120, adopted in 1988, provides for "refugee and humanitarian assistance for those Baha'is who flee their homelands for reasons of religious repression." Identical language is included in pending resolutions co-sponsored by 54 Senators and more than 130 Members of the House of Representatives.

Enclosed is a more detailed explanation of our estimate for Iranian Baha'i refugee needs for the coming year.

Many thanks for your consideration and support.

Sincerely,

F. Kazemzadeh

Firuz Kazemzadeh
Secretary for
External Affairs

Enclosure

NATIONAL SPIRITUAL ASSEMBLY
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OFFICE OF EXTERNAL AFFAIRS

September 1989

IRANIAN BAHA'I REFUGEE NEEDS FOR FY-1990

Summary: The American Baha'i community hopes the FY-1990 program will accomodate some 300-350 Baha'is who have fled religious repression in Iran. They are among 1000-1200 Iranian Baha'i refugees, most of whom are now in Pakistan.

The Baha'i organization continues to encourage refugees to resettle in countries other than the U.S. Based on past experience, we estimate that approximately one-third of Baha'i refugees prefer to go to the U.S. American Baha'is are prepared to assist in finding sponsors for those who come to this country.

Verifying Baha'i membership: We also take great care to verify the affiliations of refugees claiming membership in the Baha'i community. Although the number of Baha'is fleeing Iran has declined each year since 1985, our representatives in Pakistan believe that many Iranian refugees falsely claim Baha'i affiliations. We share with U.S. officials a strong interest in verifying the claims of those who assert membership in the Baha'i community.

Preference for NEA area religious minorities: While we recognize that the expanded flow of refugees from other regions has placed great burdens on the program, we note with some concern that the proposed ceiling of 6500 refugees from the NEA area represents a decline for the third consecutive year in numbers available for the NEA region.

For this reason we feel it is important to emphasize the policy (long supported by the Congress) of accordiny special preference to refugees who have been persecuted on account of their religious beliefs.

> So far as we can determine, members of minority religions (Baha'is, Jews, Christians and Zoroastrians) comprise only a small proportion of Iranian refugees admitted to the U.S. since the refugee program started in 1983.

Congressional concern: S. Con. Res. 120, adopted in 1988, provides for "refugee and humanitarian assistance for those Baha'is who flee their homelands for reasons of religious repression." Identical language is included in pending resolutions (S. Con. Res. 53, co-sponsored by 54 Senators, and H. Con. Res. 87, with more than 130 co-sponsors).

Current conditions for Baha'is in Iran: Perhaps the primary reason for the decline in numbers of Baha'is fleeing Iran is that individual Baha'is may feel less threatened by physical violence, in comparison to conditions only a few years ago.

While more than 200 Iranian Baha'is have been executed since 1979, no Baha'is have been executed on religious charges for nearly two years. Fewer than 30 remain in prison in Iran (compared to an average of 750 Baha'is imprisoned at any time during the 1983-1986 period).

On the other hand, there has been no change in the Iranian government's attitudes or actions toward the Baha'i community as a whole. The community remains an oppressed minority: the Baha'i Faith is denied legal recognition; all Baha'i community properties have been confiscated, and Baha'is are not permitted to organize, elect leaders, acquire and maintain places of worship or assembly, operate religious schools or conduct other normal activities of a peaceful law-abiding religious community.

Baha'is continue to be denied access to jobs, pensions, and education. For example, all Baha'is were discharged from government and university positions, and all Baha'i students were expelled from universities in the early years of the Islamic Republic.

Except for some doctors and nurses who were hired because of wartime needs, no Baha'is have regained their posts in government or universities. No Baha'i students have been allowed to enroll in universities for the past decade.

Thus, many members of this community can be deemed to have a "well-founded fear" of persecution in Iran.

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APPENDIX IV:

GENERAL STATEMENTS AND LETTERS

The American Jewish Committee

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Bertram H. Gold
John Slawson

September 18, 1989

The Honorable James A. Baker
Secretary of State
Department of State
2201 C St., NW
Washington, DC 20520

Dear Secretary Baker:

The American Jewish Committee has been vitally interested in refugee flows to the United States throughout this century. Since passage of the landmark Refugee Act of 1980, we have had a particular interest in the numbers of and funding for refugee flows established each fiscal year through the mandated consultation process between Congress and the Administration. This process is now taking place for FY 1990. While we have devoted special attention in the past year to Soviet Jewish refugees, we firmly believe that the humanitarian principles to which we are dedicated require a welcoming policy for people escaping persecution from many places around the globe.

In general, we accept the Administration's proposals for U.S. refugee numbers for the next fiscal year, but have grave reservations about plans for funding them. We believe that the consultation process will be successful only if numbers and funding are considered together in a comprehensive plan. At present, it appears that both numbers and allocations are driven more by budget considerations than by refugee need.

Given this limitation, the proposal to accept 125,000 refugees next year represents, with some important exceptions, a fair and humane response to worldwide refugee needs. It is especially important to demonstrate our continuing commitment to offer freedom to Jews, Pentacostals and others exiting the Soviet Union. Allocating at least 50,000 refugee slots to this region, which we assume includes provision for 40,000 Soviet Jews, would affirm our consistent concern for this population. It is also important to remove blockages to entry of East European refugees.

At the same time as we plan for these numbers, we hope that the problems with applications for refugee status and processing that plagued the program in 1989 will be resolved next year.

We also concur that the largest number of refugee slots, 51,500, should be allocated to Indochinese, including both those who have managed to reach countries of first asylum and those who emigrate directly from Vietnam. We should be especially receptive to Indochinese who have been in camps for several years and to political prisoners in Vietnam.

We have some reservations with the projected numbers for Latin America and Africa. We support allocating about 3000 places to Cubans, but believe those remaining

for the rest of Latin America are seriously inadequate in relation to need and will force admissions decisions to be handled in a less rational way in asylum proceedings. We welcome the small increase in intake from Africa but believe that problems there could benefit from a somewhat higher reception from that continent.

While the planned admissions numbers are generally positive, we have serious reservations about providing funding for only 111,000 refugees, including 10,000 unfunded slots for refugees from the Soviet Union. First, this figure represents a significant cutback from the present year, although problems in this field have not abated. Second, these clearly inadequate planned funds will undoubtedly lead to another round of debates over supplementary appropriations or borrowing from other sources of funds, such as occurred in FY 1989. It is preferable to avoid this inefficient procedure and plan rationally now for refugee needs we know we will have to meet next year. Indeed, this planning is the very purpose of the consultation procedure.

Finally, the large numbers of unfunded slots could lead to the prospect that refugees of concern to established communities in the United States would secure funding while those who lack this support would not, regardless of need. Such a situation would seriously compromise the integrity of the entire refugee program.

We look forward to continuing to work with you on this vital issue.

Sincerely,

Sholom D. Comay
President

Indochina Resource Action Center
1628 16th St., N.W. 3rd Floor, Washington D.C. 20009 Tel:(202)667-4690 Fax:(202)667-6449

STATEMENT ON FY 1990 REFUGEE ADMISSIONS NUMBERS
Submitted to
THE SENATE JUDICIARY SUBCOMMITTEE
on
IMMIGRATION AND REFUGEE AFFAIRS

September 1989

This statement discusses FY 1990 Southeast Asian refugee admissions numbers for First Asylum and the Orderly Departure Programs. It focuses on the re-education camp prisoners, the long-stayer population, and the Amerasian population.

First, we would like to acknowledge the great assistance and patience of the first and final asylum countries in generously receiving and resettling nearly two million Indochinese asylum-seekers in the past fourteen years. We are also thankful to the United Nations and other non-governmental organizations, national and international, for facilitating our transition into a new life of dignity and freedom.

The United States government has once again exhibited world leadership in the refugee arena, with its pledge at the International Conference on Indochinese Refugees in Geneva this past June, to take 40% of the "long-stayers" from Southeast Asian refugee camps. The United States is also to be applauded for its continuing pledge and efforts to resettle Vietnamese political prisoners and their family members.

After due consideration of needs and opportunities in the region – and within the limitations of the USG budget – we propose the following FY'90 admissions numbers for Southeast Asia:

First Asylum

Long-Stayers (as defined by the CPA)		11,000
Regular refugees (non-CPA long-stayers and new arrivals)		17,000
	Subtotal:	28,000

ODP

Political prisoners		8,000
Regular refugees		7,000
	Subtotal:	15,000
TOTAL First Asylum and ODP:		43,000
Amerasians		*15,000*

First Asylum

It is obvious that until political and economic conditions improve within Cambodia, Laos, and Vietnam, people will continue to flee. Under current circumstances, the provision of first asylum and the protection of refugees are interrelated. As the West began cutting back on third country resettlement, the level of violence against refugees increased.

The Comprehensive Plan of Action (CPA) devised in Geneva will hopefully go a long way to alleviate the fears of the first asylum countries of being burdened forever with large refugee populations.

A reduction of U.S. admissions numbers at this time will send the wrong message about the commitment the U.S. made at the Geneva Conference.

However, IRAC also acknowledges the severe budget constraints under which Congress is operating. Therefore, we recommend a straight line maintenance of last year's First Asylum admissions level of 28,000 for FY'90.

Besides sending a strong signal to first asylum nations of the USG commitment to do our share in resettlement, maintenance of the 28,000 figure is necessary to implement our government's promise made at the 1989 Geneva conference to take 40% (22,000) of the "long-stayers" over the next three years. The U.S. has an opportunity now – on the eve of the Steering Committee's first assessment of progress on the CPA (scheduled for 15 October in Geneva) to set an example. In order for the U.S. Delegation to take a strong leadership position in Geneva, we strongly recommend that the U.S. Congress call for the following schedule of "long-stayer" resettlement:

FY'90: 50% (11,000)
FY'91: 35% (7,500)
FY'92: 15% (3,500)

Although the remaining 17,000 slots would be inadequate to accommodate qualified new arrivals and non-Vietnamese "long-stayers" during a normal year, we feel that it may be sufficient during FY'90 because of the inevitable time-log involved in determining the status of all asylum-seekers arriving after the cut-off date (June 16 for Hong Kong/March 14 for ASEAN nations).

ODP

1. Re-Education Camp Prisoners

Our priority must be re-education camp prisoners. We commend the Department of State and particularly Senior Deputy Assistant Secretary Robert L. Funseth, for the hard work they have done over many years in order to secure an agreement with the Vietnamese regarding the "re-education" prisoners. The U.S. has stated its commitment

loudly and clearly. But we have a number of concerns we would like to bring to the attention of the Subcommittee.

The Department of State's Bureau for Refugee Programs acknowledges approximately 19,000 cases of re-education camp prisoners who appear to be eligible for the U.S. program. Potentially, with an average of four accompanying family members, the number of admissions could reach 68,000, and these are just cases already on file. The USG has said it hopes to admit approximately 7,000 of these people in FY'90.

At this rate it would take at least 10 years to resettle the re-education camp cases. This is too long considering their suffering since 1975 even after they have been released from prisons.

A quicker means to resettling them needs to be found than asking them to wait, possibly another 10 years. We should give the quick resettlement of these former allies the highest priority.

It is also important that the Bureau for Refugee Programs work closely with the Indochinese Mutual Assistance Associations in resettling this population. The Indochinese-American community has the cultural sensitivity and resettlement experience to assist the re-education camp prisoners to become self-reliant and productive members of American society. They will need a lot of help, particularly with health and mental health problems. We recommend that even those former political prisoners who arrive as immigrants be provided with health benefits.

2. *Regular Refugees*

In the spirit of former Secretary George Shultz's 1988 statement – "an expanding ODP is vital as an alternative to boat departures and is a vital part of our strategy [in Southeast Asia]," and in accordance with the USG commitment to ODP at the 1989 Geneva Conference, we propose maintenance of the FY'89 ODP number (7,000).

We feel this number is adequate in light of the fact that many would-be refugees elect to enter the U.S. with immigrant visas, thereby increasing the total number of persons who actually emigrate via the ODP, *at no cost to the U.S. government*. It is still too soon to evaluate the usefulness of the Public Interest Parole program (PIP) in terms of expanding the ODP.

We have a specific concern regarding the PIP status determination mechanism: given the fact that applicants are interviewed in SRV government buildings, in the presence of SRV government interpreters, can these applicants be expected to offer convincing evidence of a well-founded fear of persecution? In light of this problem, we recommend that individuals who exit Vietnam with PIP status be granted an opportunity to appeal their previous determination once outside Vietnam.

ODP is one strategy to discourage "boat people." But it must be provided an efficient processing system and sufficient numbers in order for it truly to be seen as an

alternative to the high seas. The former requires Vietnamese cooperation, the latter the Congress can provide.

Amerasians

Amerasians should not be counted against ODP admissions numbers because they come to the U.S. as immigrants (eligible for full refugee benefits) under the Amerasian Homecoming Act. We agree with InterAction that placing them under ODP admissions was not the intent of the legislation and further we share InterAction's concern that the Act will expire before it can fully assist its intended beneficiaries. Recognizing current structural limitations inherited in the ODP system (processing, medical examinations, transportation), which must be expanded to accommodate political prisoners, regular refugees, immigrants and PIP cases as well as the Amerasian, we propose an Amerasian admissions target of 15,000 as in FY'89.

* * *

Finally, we would like once again to state our belief that the needs of one group of refugees should not be sacrificed to the needs of others. Refugee admissions should be a reflection of the noble tradition of this country and its people.

Lawyers Committee
for Human Rights

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Michael H. Posner, Executive Director
William G. O'Neill, Deputy Director
Arthur C. Helton, Director, Refugee Project

October 6, 1989

Express Mail

Edward M. Kennedy
United States Senate
Committee on the Judiciary
Subcommittee on Immigration and Refugee Affairs
Washington, D.C. 20510

Dear Senator Kennedy:

Thank you, Mr. Chairman, and members of the Subcommittee, for giving us an opportunity to submit a statement for the record of these hearings on annual refugee admissions levels. I am the Director of the Refugee Project of the Lawyers Committee for Human Rights. The Lawyers Committee is a public interest law center which monitors and works to promote issues of human rights and refugee protection. During the last two years the Lawyers Committee has paid considerable attention to the situation in Indochina, which is one of the most critical protection areas in the world.

Specifically, the Lawyers Committee has sent several fact-finding missions to Indochina, and subsequently published reports, Seeking Shelter (1987), Refuge Denied (1989), and Forced Back and Forgotten (1989), which detail our findings, concerns and recommendations. In July of 1989, a Lawyers Committee representative visited Malaysia and the border camps in Thailand and examined the continuing human rights and refugee protection problems experienced by displaced Laotians, Cambodians and Vietnamese.

There are currently over 300,000 Cambodian, Laotian and Vietnamese asylum seekers in border camps in Thailand, and about 22,000 Vietnamese asylum seekers in Malaysia. These camp inhabitants must endure harsh living conditions, often for years,and are exposed daily to overcrowding, disease, danger and violence from inside and outside the camps. The Lawyers Committee

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is concerned with the lack of legal protection for these individuals as they await screening, resettlement or repatriation. The Lawyers Committee is also concerned with the lack of protection for Indochinese fleeing persecution who are subject to piracy, bribery, and banditry. Many are also the victims of arbitrary and capricious screening policies which threaten basic notions of fairness and due process.

The United States must consider these deplorable conditions as it contemplates its yearly refugee allotments for Southeast Asia. The Lawyers Committee suggests that immediate attention be given to the basic needs of the Indochinese for legal protection as they seek asylum or await resettlement. The following is a brief discussion of our chief concerns and recommendations.

Rejection at the Border and Shore: Continuing Pushbacks of Asylum Seekers

While conditions in border camps are harsh, many asylum seekers from Vietnam and Laos do not even reach such miserable refuges, as they are turned away on land and at sea. The Lawyers Committee is concerned with the continuing pushbacks of Vietnamese boat people and Laotians at the border, and the restrictions placed on UNHCR access to arriving boat people. The right not to be returned to a territory where there is a risk of persecution is a fundamental precept of refugee law and includes the right not to be rejected at the border.

The Thai government announced in January 1988 that it would push back Vietnamese boat people, whom it termed illegal economic migrants. Over 500 boat people drowned in 1988 due to this policy, which violates international law and the human right of an asylum seeker not to be denied refuge. The 1988 Thai pushbacks came after a surge in arrivals the previous year and in the face of rejected appeals by Thailand and other ASEAN nations for increased resettlement in the West.

Thailand also systematically denies asylum to Laotians fleeing the Pathet Lao government by pushing them back into Laos on Thailand's northern border. This policy was instituted in 1987 and is in contravention of the June 1989 Comprehensive Plan of Action (CPA), in which ASEAN nations pledged to continue to provide

"temporary refuge" pending screening. The pushed-back Laos are subject to bribery, extortion and rape by smugglers, Thai and Pathet Lao security forces and others. Hundreds, if not thousands, of Laotians have died as a result of this policy.

Pushbacks of Vietnamese boat people have recently occurred in Malaysia, traditionally a safer shore than Thailand. This summer Malaysian police towed over 1,000 boat people into Indonesian waters, also in contravention of the CPA. According to a Lawyers Committee representative in the area this summer, the Malaysian government says that some of these boats "requested" redirection to Indonesia, although this appears to be contradicted by the refugees themselves, some of whom have reported robberies and sexual harassment but no serious physical injury.

Piracy

Those fleeing by sea also have much to fear from abuses by Thai pirates, fishermen and even security forces who ram boats, rob, abduct and rape women, carrying the pushback policy to heinous extremes. Although Thai officials reportedly claim that the Thai waters have been cleared of pirates, piracy attacks have increased in severity and, according to the State Department, piracy has increased 30 percent since last year in terms of the number of incidents reported. In June, Thai pirates killed about 150 Vietnamese boat people in the Gulf of Thailand, according to the lone survivor, a 17-year old girl who was reportedly raped repeatedly before being thrown into the sea. As recently as August, Thai pirates reportedly robbed and then massacred 71 Vietnamese boat people by beating and hacking them to death. Despite these continuing brutalities, the Thai authorities have continued to restrict the access of the office of the United Nations High Commissioner for Refugees (UNHCR) to arrivals on the East Coast.

The Lawyers Committee is concerned about the deterioration of the Thai anti-piracy program, begun in 1981, which for a while resulted in a decline in attacks on boat people. The program faltered, however, in 1988 with the advent of the pushback policy; reports suggest that anti-piracy funds have actually been used to support pushbacks.

The Lawyers Committee therefore recommends that the U.S. continue to promote the anti-piracy program and investigate allegations of fund diversion. The U.S should urge that the UNHCR be allowed full access to the coast and informed fully of all arrivals.

Asylum Deterrence Policies: Inhumane Living Conditions

If not physically barred from seeking refuge in Thailand, Cambodians and land Vietnamese are subject to its asylum deterrent policies in the form of wretched living conditions in the border camps. The Thai policy of deterrence is contrary to international human rights law. Although the Thais are unwilling to allow the asylum seekers to remain indefinitely, an outcome they fear increasingly when resettlement commitments by Western nations wane, it is inhumane and unlawful to enforce harsh living conditions on camp inhabitants to discourage further flight.

The border camps are physically overcrowded, particularly Site 2, which has about 150,000 inhabitants. Residents have almost no access to education and no means to earn a living. There is no privacy. Water is scarce. The residents have a constant fear of repatriation fed by the sound of nearby shelling. A representative from the Lawyers Committee who visited the border area in Julyreported that recent heavy shellings had injured or killed dozens of innocent civilians in border camps.

Consequently, there has been a breakdown of the social and moral order in the camps, not surprising in a place where residents feel they "live like animals." Children's conflicts escalate into parental murders; robbery, child and sexual abuse are common. The proliferation of weapons--hand grenades can be bought for 50 cents--has fueled a rise in intra-camp violence, exacerbating what a relief worker termed an "explosive" situation. One official with an international agency expected the number of security incidents to double in mid-1989.

In light of the above conditions, the Lawyers Committee supports the establishment of tolerable living conditions in the camps to address the problems of overcrowding, violence and idleness which lead to degradation and conflict. The sprawling Site 2 should be divided into smaller enclaves. The Lawyers Committee

also supports the establishment of a more regular social community with educational and vocational programs and employment opportunities. Such programs would improve a harsh existence as well as allow the asylum seekers to be more easily repatriated or integrated into a new home.

The Lawyers Committee also recommends that Site 2 should be moved away from the dangers of the border. The proximity of the camps to the Thai-Cambodian border--all camps are within six miles of the border; Site 2 is within one mile--poses a serious and often deadly threat to the safety of the camp inhabitants. Rockets landed frequently in Site 2 in April and May of this year. Shelling continued even during the Paris "peace" talks on Cambodia's future.

For the above reasons, the Lawyers Committee opposes the possible closing and relocation of Khao I Dang residents to the crowded, dangerous Site 2, where they could possibly lose UNHCR protection. The Lawyers Committee continues to support the establishment of a separate site a safe distance from the border to house Khao I Dang residents under UNHCR protection and monitoring.

In order for the UNHCR and other international protection entities to perform their functions without hindrance, the U.S. should urge that the UNHCR mandate be extended to all Cambodians along the Thai-Cambodian border to provide a legal regime for the protection of all camp inhabitants.

<u>The Need For A Legal System Within The Camps</u>

Cambodians in border camps are subject to violence and sexual abuse from other Cambodians, including Front (KPNLF) guerrillas, roving bandits, smugglers and extortionists, due to frustrating conditions and exacerbated by the absence of law enforcement, particularly in Site 2. Justice Committees and Codes have been established within the camps, but are reportedly ineffective. For example, incidents involving 13 hand grenades occurred in June of this year alone, wounding over eight people; yet in July, there was no proof that the perpetrators of incidents involving casualties had had any contact with Justice Committees. Accordingly, the rule of law must be established and maintained in the border area. The

U.S. should promote the institution of an effective legal system within the camps under which offenders are held accountable for their actions. Those who commit serious crimes should be tried under Thai law and punished. A reliable dispute resolution mechanism should be established within the camps to deal with less serious offenses. In addition, corrupt camp officials and leaders should be effectively disciplined and removed.

Protection By The Thai Military

The Lawyers Committee supports Thailand's creation and implementation of the specially-trained Displaced Persons Protection Unit (DPPU) along the border. With apparently isolated exceptions (reports of beatings, theft of residents' belongings, and the murder in June of a nineteen-year old), the security of the camp residents has improved; when protection was handled solely by the Thai Rangers abuses were frequent. The Lawyers Committee recommends the extension of the DPPU to the Thai-Lao border where escaping Laotians fall prey to bandits and extortionists, and suggests that the Thai government, with appropriate assistance from the UN, continue to provide training and discipline to members of the DPPU after deployment.

Abuses by the Khmer Rouge

Asylum seekers should not be unnecessarily detained or restricted in their movements within a territory of refuge. At present, however, asylum seekers cannot leave Khmer Rouge camps. The Cambodian civilians in border camps controlled by the Khmer Rouge are held in virtual captivity, subject to forced labor, and periodically moved at great risk across mine fields or across the border into Cambodia for strategic reasons. While access to Khmer Rouge-controlled camps has improved somewhat, 7,000 civilians were reported "missing" from the area in June after removals and transfers by the Khmer Rouge. Additionally, after shelling of an inaccessible Khmer Rouge camp in early July, the International Committee of the Red Cross (ICRC) was unable to obtain clear information on the number wounded.

Cambodians in Khmer Rouge-controlled camps are also at the mercy of Thai authorities who tolerate their control. Some escapees have been handed back to the Khmer Rouge. The Lawyers

Committee representative in the region in July reported that displaced persons arriving at Sok Sann camp from Khmer Rouge camps were redirected to Khmer Rouge camps. The Thai actions reflect the apparent belief that camp residents "belong" to whichever faction controls their camp, according to this representative. This position is contrary to international law and could jeopardize any voluntary and safe return to Cambodia. After receiving international criticism, the Thais have, at least temporarily, delayed returning 700 Cambodians fleeing Khmer Rouge control and heavy shelling; however, the risk of return remains. The U.S. should take steps to make it clear to Thailand that such restrictions on movement are inappropriate.

Institution of a Fair Laotian Screening Procedure

Since 1985, the Thai authorities have subjected arriving Laotians to a screening process that has been subject to abuse and arbitrary criteria. Some Laotians, routinely denied access to the Thai government's screening policy, pay bribes to get into the camps from which they may seek resettlement; many Hmong, former U.S.-employed fighters against the Vietnamese now trapped on the border, pay smugglers to get them across the Mekong. However, as illegal residents of the camps, they cannot obtain food rations, UNHCR protection, or resettlement. Unable to pay further "rents" (bribes), they may be forcibly returned to Laos to face almost certain persecution.

According to the CPA laid out in Geneva, screening of the Laotians will be worked out trilaterally among Thailand, the UNHCR, and Laos. It is imperative to safeguard the human rights of Laotian asylum seekers. The present screening mechanism should be made more equitable and less arbitrarily applied. Thousands of people are held indefinitely in closed camps in violation of their human right to be free from arbitrary and prolonged confinement, or forced back to face persecution.

Documented reports from May of 1989 reveal that Hmong with strong claims to refugee status were forcibly repatriated by provincial authorities outside the established screening and repatriation procedures. In June, screening of Laotians was temporarily suspended pending review by the UNHCR; draft plans of

new procedures were vague regarding the exact extent of the UNHCR role and the criteria to be used to evaluate claims.

A representative of the Lawyers Committee who visited Thailand in July noted that although adjustments were being made in the screening procedure by the Thai government, and despite the involvement of the UNHCR, the current program still risked use of arbitrary criteria.

Asylum seekers deserve a fair hearing--not a cursory one determined by resettlement possibilities abroad, or bribery and extortion. Rejected cases should have a fair appeal mechanism to ensure that true refugees are not screened out. The U.S. must urge Thailand to take steps to prevent any unauthorized pushbacks or repatriation of Laotians, including the return of "illegals" in camps, pending the development of a reliable and fairly applied screening procedure.

Regarding repatriation, the U.S. must try to ensure that Laos and Thailand adhere to the principles of respect for the voluntariness of repatriation of rejected asylum seekers, which may conflict with the February 10, 1989 Laos-Thai agreement to repatriate all rejected asylum seekers. Also, in terms of repatriation, UNHCR officials must exercise extreme caution to ensure there are no reprisals by the country of origin over time.

Protection Problems in Malaysia

Asylum seekers in Malaysia have also begun to suffer from inhumane conditions and inconsistent screening policies. The Lawyers Committee is concerned that their needs not be forgotten.

Sunyai Besai in Kuala Lumpur, primarily a refugee center, is reported to be in fairly decent condition. However, Palau Bidong, an island encampment which housed approximately 16,023 Vietnamese as of June 26, 1989, contains significant physical and medical risks as a result of overcrowding and poor conditions.

The Lawyers Committee has received reports that the local state government purposely keeps the dilapidated barracks in disrepair as an expression of resistance to the detainees'

presence. The shelters are in danger of collapse due both to the inhabitants' renovations and poor construction. According to the UNHCR, there is a significant risk of epidemic and fire. Fresh water must be brought by boat; due to an inadequate sanitation system, untreated sewage flows into the water and near the food warehouse. Reportedly, there are plans to repair the sewage system. However, medical facilities have not recently been increased despite the large population.

According to the Lawyers Committee representative, the major impediments to improving the facilities at Palau Bidong appear to be ethnic hostility between the predominantly Muslim local government and the asylum seekers, and local/federal conflict. Reportedly the state government has halted some improvement projects. Apparently in response to political pressure, the government has said it will close Palau Bidong in 1989.

As in Thai border camps, the personal security of the asylum seekers is sometimes in peril. There appears to be some abuse by the Malaysian Task Force assigned to protect the camps, which vacillates between failing to enforce discipline and reacting with severity, committing abuses, extortion and beatings.

Although screening of asylum seekers in conformity with the CPA was to commence in mid-August, The Lawyers Committee is concerned that lack of progress, the backlog of cases, and inadequacies in the system will contribute to an unfair screening process in Malaysia.

In a number of ways, it appears that the screening process has not been developed sufficiently to ensure basic fairness to the applicants. As of July, Malaysia had not yet selected the immigration officers who would be screening, although UNHCR had scheduled a training seminar. The role of the UNHCR in monitoring screening and assisting with appeals, as well as details of the screening itself, were still vague. Problems include: a backlog of 9,000 cases as of July 1; probable overemphasis on documentation; lack of current information on Vietnam; shallow interviewing due to disposition and lack of adequate translation, although the interview and a questionnaire are supposed to be in English. There are also potential dangers from the lack of an administrative court system of appeals, and from the wide

discretion given interviewers and lack of independence in appellate review.

Perhaps the greatest problem in the appellate process is the time frame: an applicant has a mere 14 days to notice an appeal and 30 days to perfect it. The UNHCR termed this time frame "impossible." The ability to appeal may be further hampered by decisions which, although written, may not contain specific findings and reasons for rejection.

At present, there is no formal program to counsel asylum seekers either before or after the screening. Voluntary repatriation occurs rarely, and Malaysia has not strongly called for forced repatriation, as has Hong Kong. Malaysia has said that it would attempt to provide separate quarters for refugees, to avoid conflict, but has not yet done so.

The Need For Improvement And Adjustment In The U.S. Admission Procedure

While recent efforts to train screening personnel are laudable, the system utilized in Indochina by the U.S. government to screen Vietnamese, Cambodians and Laotians still contains numerous defects which impact on the rights and eventual protection of the asylum seekers. Furthermore, the U.S. must consider its procedures regarding rejected claimants in order to fulfill its role under the CPA.

The performance of personnel involved in processing applications is inadequate due to the lack of many things: staff, cultural and political knowledge about Southeast Asia, language ability, updated country information, and training in interviewing and decision-making. For example, INS interviewers reviewing 200 Lowland Lao rejections by temporary duty officers (TDY's) in January 1988 found a 50 percent rate of error. In other words, half of those rejected and possibly returned to their countries had a well-founded fear of persecution.

Current country information and detailed guidelines are essential for adjudicators. They are particularly necessary for determining if an applicant was affiliated with the Khmer Rouge;

the present method does not necessarily result in accurate assessments.

An even greater problem is that the screening procedure is inherently unfair. The interview process suffers from arbitrary decisions regarding credibility exacerbated by translation difficulties and cultural differences. Many asylum seekers are immediately suspected of being mere economic migrants.

Negative determinations are nearly impossible to overcome, because applicants are not informed of findings nor reasons for denials. Requiring written records and formal findings would lessen the possibility of error and increase an applicant's ability to rebut doubts about credibility.

The U.S. refugee status determinations in Thailand and Malaysia lack an effective review mechanism to see if cases have been improperly denied. A separate appellate mechanism independent of INS should exist to which a refugee could appeal a written statement of findings and reasons. The Lawyers Committee urges the creation of a central review board at the Department of Justice to systematize the appeal process and relieve pressure on INS officers in Bangkok. More importantly, it would ensure review of meritorious cases.

Basic questions are raised in view of the U.S.'s resettlement obligations under the CPA. Resettlement nations, including the U.S., have committed to accept all those determined to be refugees within 3 years, including those previously rejected before the implementation of local screening. How will the U.S. accomodate rejected cases? Will there be "re-screening" by INS interviewers of those accepted by local authorities? If so, what happens to those who are rejected? Also, the U.S. may need to monitor cases screened out to ensure the reliability of the process.

The U.S. must reconcile its admission procedures with its commitment to resettle under the CPA. A new admissions power or special immigrant status may be needed.

Conclusion

Much must be done to provide protection to asylum seekers in Indochina. We urge you as soon as possible to enlist the assistance of the Executive in this crucial endeavor.

Sincerely,

Arthur C. Helton

cc: J. Michael Myers

THE U.S. COMMITTEE FOR REFUGEES

REPRINT

July 1989

"WE ASKED FOR DEMOCRACY AND GOT ONLY BULLETS": STUDENTS AND MINORITIES ON THE THAI-BURMA BORDER

[In the first three weeks of July, Refugee Reports staff writer Court Robinson was on the Thailand-Burma border, where thousands of Burmese students and ethnic minorities have been forced to flee continued persecution by the military government in Rangoon. Although their plight in many ways parallels that of other Indochinese refugees in the region--and that of students in China--little is known about their situation. The report below is excerpted from an upcoming USCR issue brief on the subject.]

Following last year's pitiless crackdown by the army on pro-democracy activists in Burma, thousands of students fled to remote border areas, seeking sanctuary and common cause with the many ethnic minority groups engaged in their own struggle against the central government in Rangoon. The largest number of Burmese students, nearly 7,500 at one point, went east to the Thai border, where they found help from the Karen, Mon, Karenni, and Pa-O minority groups. Perhaps 1,000 more crossed into Thailand, where the welcome was decidedly colder.

After flirting briefly with a policy to grant temporary asylum, Thai authorities instead opted first for a repatriation program, followed by a declaration that, as of March 31, 1989 all Burmese students in Thailand are to be treated as illegal immigrants subject to arrest and deportation.

Unable to cope with endemic malaria and other rigors of jungle life, many of the students on the border returned home or are hiding in Thailand. The student population on the border now stands at about 3,000, living in ten separate camps stretched along 700 miles of rugged mountainous terrain. The former high-school and university students have fashioned barracks, clinics, even libraries, out of bamboo and thatch.

But despite the industry and high morale evident in the camps, the Burmese students express a growing sense of urgency and frustration. Pressed on one side by Burmese army offensives, blocked on the other by an indifferent, and often hostile, Thai government, the students and their ethnic minority allies find their calls for help too often go unanswered.

Some aid is being provided, but it meets only about half the subsistence needs for food and medicine; asylum is precarious in Thailand and hard to come by anywhere else in the world; and arrest and persecution continue of student dissidents and minority groups in Burma.

"We asked for democracy and got only bullets," said one student. "Now we ask who is on our side for freedom. We worry that time will run out and the people will be crushed again."

Army Coup, Crackdown Sends Thousands to the Borders Last year, on July 23, Gen. Ne Win resigned after 26 years of authoritarian rule. His "Burmese Way to Socialism"--an idiosyncratic mix of Marxist economic theory, numerology, and nepotism--had reduced Burma to the status of pauper nation, with a debt of nearly $5 billion and per capita annual income of only $200. Simmering discontent had bubbled over in student-led demonstrations earlier in the year. At least 30 people were killed on March 17 and another 10 on June 21, when riot police and army troops moved in to exercise control. Dozens more were injured or arrested in the two incidents.

On August 8, 1988, more than 100,000

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people flouted the newly imposed martial law and took peacefully to the streets of Rangoon, calling for sweeping political and economic reform. They were answered with gunfire. In the next four days, the Burmese army cracked down on the nationwide demonstrations, killing between 1,000 and 3,000 people and arresting scores of others.

Five weeks later, on September 18, Gen. Saw Maung, a protege of Ne Win, seized power in a military coup, and the killings and arrests began anew. The Burmese government admitted in early October that 425 people had died since the coup, and 1,107 had been arrested. Foreign diplomats put the September death toll at over 1,000, and estimates by student groups marked it much higher.

Flight from the cities began immediately after the coup. On September 20, Thai newspapers reported the arrival of 250 Burmese students in the border towns of Ranong and Mae Sot. That same day, Thai Foreign Minister Sitthi Savetsila, describing the students as "war refugees," said they would be granted temporary asylum in Thailand. "We cannot send them back right now because they would be killed," he said.

Sitthi said that the Foreign Ministry was developing Burmese refugee policy in coordination with the Ministry of Interior (MOI), the government agency responsible for border security and immigration.

Within days, the Thai government appeared to back off from its asylum position, as the Burmese population in Ranong grew to 500. On September 22, a spokesman for the Foreign Ministry told reporters that Burmese were not considered refugees, but "temporarily displaced persons." The spokesman said that an offer of assistance from the UN High Commissioner for Refugees (UNHCR) had been rejected. Aid would instead be channelled through the Thai Red Cross.

Three days later, Ranong Governor Chalerm Yoopamorn announced that 107 Burmese had been detained for illegal entry and would be returned. "It will take us 4 or 5 more days to repatriate them," he said, "Now we are providing them with food and medical services on humanitarian grounds."

Although the return of this group ultimately was delayed, on October 8, Thai authorities rounded up 135 Burmese students who had sought sanctuary in a Buddhist monastery near Mae Sot and trucked them across the border to the Karen military camp of Thay Baw Bo.

By mid-October, Burmese students on the border numbered nearly 7,500. Another 1,000 had taken refuge on the India border, and an estimated 2,000 had fled to the China border.

"We were caught unprepared at the arrival of so many students," said Dr. Em Marta, an official with the Karen National Union (KNU), the governing body for the Karen-controlled territory known as Kawthoolei. "There were at least 5,000 in KNU areas alone. The first thing we had to do was feed them and then deal with the problem of malaria."

KNU district officials directed the students to sites where they could establish their camps, and assisted with initial construction. Marta admitted that "at first, we were nervous about supporting the students. Our territory is our house, but we didn't know who these new people were, where they were, and how many more would be coming out. We were also afraid that some would go back home and tell the authorities who had helped them."

On October 17, the Burmese government, which had just changed the name of the ruling party from the Burma Socialist Program Party to the National Unity Party, announced it was opening 27 "reception centers" along Burma's borders and offered an amnesty to all students who returned home by November 18. Following the return of between 500 and 1,000 people in November, the government extended the deadline to the end of the year, and later, until January 31.

Amnesty International reported that some of the returning students allegedly "were either taken into custody and executed by army units or were shot and killed by soldiers who ambushed them in the forest." On November 19, nine students were arrested in the Burmese town of Kawthaung (also called Victoria Point) opposite Ranong. They were taken to a military camp where, allegedly, four were beheaded. The other five somehow managed to escape.

<u>First Efforts at Cross-Border Aid Are "Uncoordinated and Inefficient"</u> By mid-October, some assistance to the students was coming across the border from private organizations in Thailand. International relief groups provided small amounts of food and medical supplies were provided by inter-

national relief agencies, but the bulk of the aid came from five or six expatriate Burmese groups.

One of these Burmese groups, Emergency Relief of Burma, described the harsh living conditions in the camps in the last months of 1988: "The populations in the camps are in weak physical condition due mainly to protein deficiency and lack of sanitation... dysentery and diarrhea are serious problems...up to 10 have died from cerebral malaria at Three Pagoda Pass. Many are suffering skin diseases and eye infections... most people have only one set of clothing and no shoes. Shelter is usually a bamboo hut, housing approximately 15 people, and some of the camps lack roofing and matting for the floor...Medical supplies are seriously short. In many of the camps there are not even first aid kits available."

One relief official in Bangkok described the aid situation in December as "infuriatingly uncoordinated and inefficient." He praised the ethnic minority groups as "generous and gracious hosts. They continue to supply most of the rice eaten by the students." But few international relief groups were willing to provide cross-border aid "in their own names," the official said, "since any such assistance is, strictly speaking, illegal."

The expatriate Burmese groups "in general compete rather than cooperate in providing assistance," the official said. "The result is patchy. Some students are doing much better than others. Some items purchased are useless. It is not professionally handled."

"There was very little cooperation," admitted Thant Myint U, who coordinated relief efforts for Emergency Relief Burma (ERB). "No one knew what the other person was doing." He attributed the lack of cooperation in some part to the "distrust between Burmese groups," but also suggested that the initial aid effort was bound to be chaotic, given the daunting logistical problems and the relatively limited resources available in the face of "so much need."

Thailand Offers Sanctuary, Then Presses Repatriation On November 22, the Thai Cabinet decided to offer temporary asylum to Burmese students in Thailand until they chose voluntarily to return home. According to a report in The Nation, an English-language newspaper published in Bangkok, the Foreign Ministry had advised that the Cabinet reject a request by the Burmese government to fly the students back to Rangoon.

In addition, the Foreign Ministry reportedly had recommended that the Cabinet reconsider the policy of arresting Burmese as illegal immigrants and repatriating them to minority-controlled territories.

Foreign Minister Sitthi said that the Thai Red Cross Society had been given the task of aiding Burmese asylum seekers until they were willing to go home.

As in September, however, Thai largesse proved to be short-lived. Less than one month later, following a state visit to Burma by Gen. Chaowalit Yongchaiyut, commander in chief of the Thai army, the governments of Burma and Thailand agreed to establish a repatriation center at a military airfield outside the Thai city of Tak.

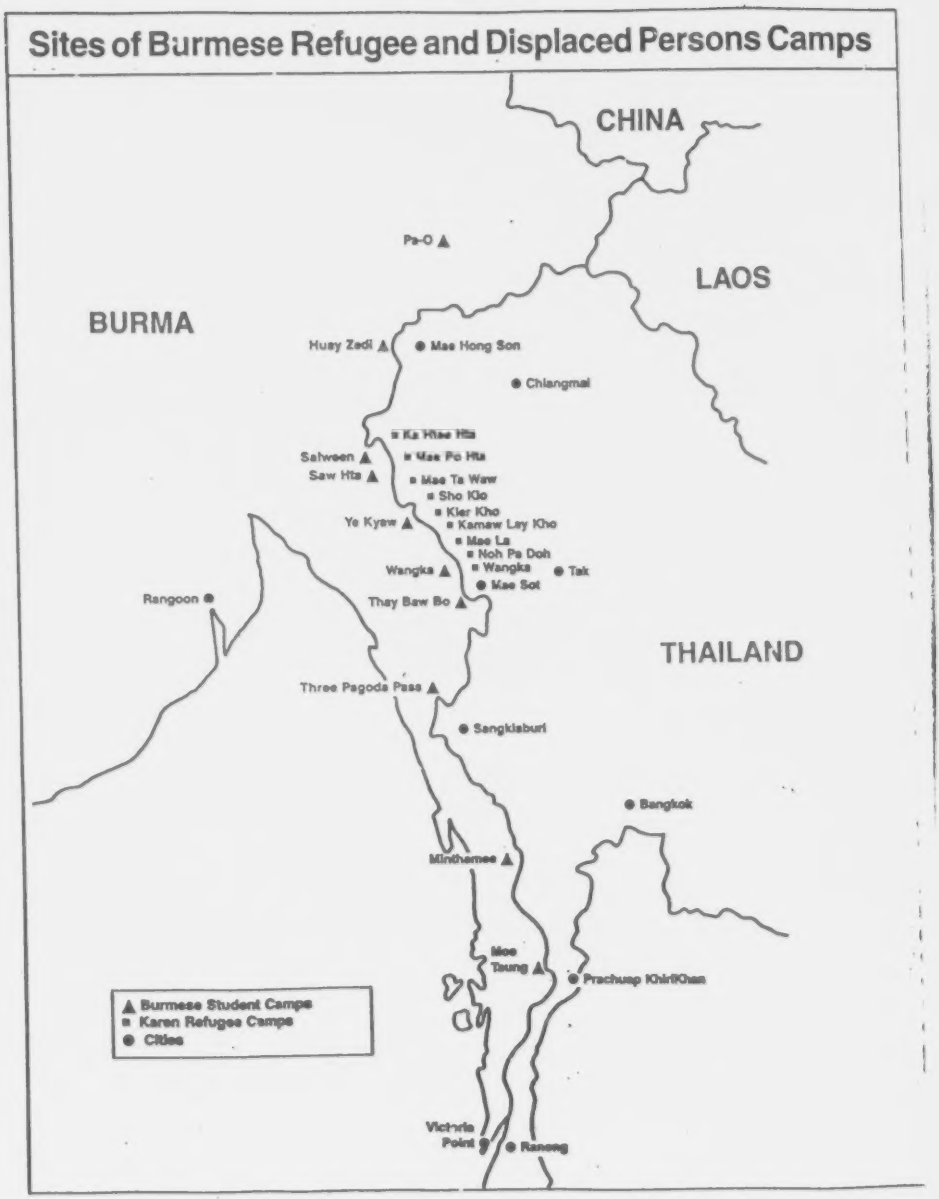
In an announcement aired on radio and television, Chaowalit urged all Burmese inside Thailand and along the border to return home "to resume their studies and become good citizens." He repeated a pledge from Gen. Saw Maung that safe conduct would be guaranteed.

Staffed jointly by the Thai and Burmese Red Cross Societies, the center opened on December 21. The reaction from the students was skeptical. "Some people may come in because of the lack of food and medicine in the jungle," Htun Aung Kyaw told the Bangkok Post, "but most will stay on despite the hardship."

Chairman of the All Burma Students Democratic Front (ABSDF), Htun Aung Kyaw said, "Gen. Chaowalit may have good intentions, but I doubt he knows the real situation in Burma. How will he feel when he learns that the people he sent back have been shot or hung?"

On Monday, December 26, the first group of 82 Burmese students returned home aboard two Burmese Air Force planes. Another 22 students were returned on January 6, 1989. Four days later, Amnesty International issued an urgent action appeal stating that the group of 22 students had been "forcibly repatriated" and that some members of both groups may have been imprisoned.

Amnesty International expressed concern about Thant Zin, who returned to Burma on December 26 and reportedly was arrested in


Sites of Burmese Refugee and Displaced Persons Camps
CHINA
LAOS
BURMA
THAILAND
Pa-O
Husy Zadi
Mae Hong Son
Chiangmai
Ka Htae Hta
Mae Po Hta
Mae Ta Waw
Sho Klo
Kler Kho
Kamaw Lay Kho
Mae La
Noh Po Doh
Wangka
Tak
Mae Sot
Salween
Saw Hta
Ye Kyaw
Wangka
Rangoon
Thay Baw Bo
Three Pagoda Pass
Sangklaburi
Bangkok
Minthemee
Mae Taung
Prachuap KhiriKhan
Victoria Point
Ranong
Burmese Student Camps
Karen Refugee Camps
Cities

BURMESE REFUGEES AND DISPLACED PERSONS

STUDENTS:

Thailand Border:	
Moe Thaung	216
Minthamee	288
Three Pagoda Pass	400
Thay Baw Bo	450
Wangka	364
Ye Kyaw	229
Saw Hta	176
Salween	425
Huay Zedi	257
Pa-O	180
Subtotal:	2,985
Inside Thailand:	1,000
China Border:	2,000
India Border:	1,000

KAREN:

Inside Thailand:	
Wangka	3,021
Noh Pa Doh	1,465
Mae La	2,636
Kamaw Lay Kho	1,818
Kler Kho	1,696
Sho Klo	6,476
Mae Ta Waw	2,212
Mae Po Hta	326
Ka Htee Hta	393
Subtotal	20,043
Internally Displaced:	32,323

MON:

Internally Displaced:	
Three Pagoda Pass (Mon Student Camp)	1,300
Mon Territory	6,412

KAREN:

Inside Thailand:	2,000
Internally Displaced:	4,000

his home town of Merqui and held incommunicado since that time. The 22 students, according to the Amnesty appeal, were part of a group of 36 ethnic Shan students rounded up by Thai police in late December. "They are said to have repeatedly expressed fears for their safety and to have petitioned the Thai authorities not to be returned to Burma and eventually went on a hunger strike," only to be forced aboard the airplane by Thai soldiers.

On January 18, the Burmese government invited 46 journalists based in Bangkok for a three-day tour of Burma and to meet with about 150 student returnees and their parents. Two student leaders, Sai Myo Wyn Tun and Kyi Moe, whom Amnesty International had listed as under arrest, were available for questions from the press. Kyi Moe said he had returned "more or less voluntarily," according to a New York Times account, but said he was "embarrassed" to return to a country "where the military controls everything and there is no democracy and no human rights."

Interviewed in the presence of military officers and government officials, most of the students said they had not been mistreated since their return. But in private, according to the Far Eastern Economic Review, some said they had been forced to come back and feared for their safety. One handed a journalist a note that read: "We do think that if we give things as they really are, then just on the way back or afterwards we may be seized and beaten."

Despite statements of concern from the UN High Commissioner for Refugees (UNHCR), the International Committee for the Red Cross, and the State Department, the repatriation program continued. By the end of January, more than 300 students had been repatriated from Tak. Most of them, according to Thant Myint U, had been arrested in the nearby town of Mae Sot and brought to Tak rather than being sent across the border to the student camps.

Forced repatriations were also being carried out from Ranong. Estimates provided by ABSDF suggest that, between October and January, perhaps 200 students were sent back to Victoria Point. Generally, according to several students interviewed, Ranong police paid Thai fishermen to transport the Burmese across the gulf and drop them on the docks at Victoria Point.

Although most students were not handed over directly to Burmese authorities, the practice was still dangerous since, Thant said, "there is an army garrison stationed in Victoria Point, and student presence in town would immediately be known if a boat docked."

Ko Thet, a 25-year-old student of Burmese literature at Rangoon University, crossed into Ranong in September and lived there for three months, hiding in a warehouse, begging, and catching fish to survive. He was arrested with a group of four students and detained for ten days. "Then they put me on a fishing boat back toward Kawthaung," he told USCR, "but I begged for mercy and came back to Thailand."

Ko Thet was arrested for a second time along with 60 other Burmese. "I was kicked in the head by Thai security. I'm a hemophiliac and couldn't stop bleeding. Many of us were mistreated and used for hard labor." He was sent back again, and again appealed for help from the Thai fishermen. "They were very sympathetic," he said, "and brought me back to Thailand."

He eventually made his way north, and crossed the border into Karen territory, where he found work teaching at a primary school in the township of Minthamee.

Tak Closes But Pushbacks Continue Thailand continued the operations at Tak beyond the original closing date of January 31, and did not officially close the center until March 31. But international pressure, coupled with protests from Thai student organizations and religious groups, contributed to a slowdown in the rate of repatriations. In February and March, only about 80 students were returned to Rangoon, according to local press accounts.

On March 31, Thai authorities announced that all Burmese students remaining in Thailand would be considered illegal immigrants, subject to arrest and deportation. Thai immigration law stipulates that, where possible, deportation should take place at the original point of entry. Since March, students who have crossed from border camps are returned to those camps, while those arrested in Ranong may be returned to Victoria Point.

Figures provided by Thant Myint U indicate that five students were repatriated to Victoria Point in February, and another seven were sent back in April.

Repatriations to border camps have taken place on a much larger scale. On April 6, 117 students were pushed back at gunpoint at Three Pagoda Pass. Many were seriously ill with malaria. Late in April another 97 students living in the Mae Sot area were repatriated to Three Pagoda Pass.

Although the student camps are in minority-controlled territory and not in what is often called "Burma proper," there are many risks in being sent across the border. Aside from the inadequate food, shelter, and medical supplies--malaria has claimed the lives of perhaps 100 students in the last year--there is the ever-present danger of attack by the Burmese army. Since the beginning of the year, six student camps--Wangka, Mae La, Salween, Saw Hta, Huay Zadi, and Pa-O--have been attacked by Burmese offensives. Five have been overrun and the populations sent scattering along the border and into Thailand. Defended by KNU soldiers and ABSDF students fighting alongside each other, Wangka has been holding out since June.

"We would like the Thai government to permit the students temporary evacuation when the camps are attacked," said Dr. Thaung Htun, ABSDF secretary for foreign affairs. "When the Burmese army retreats and the situation is safe again, we will go back."

Thai authorities have permitted ABSDF to operate a small clinic in Mae Sot, which treats an average of 40 or 50 students per day, mostly for malaria. But in most cases, Burmese students who cross the Thai border, even if they are fleeing for their lives, must go into hiding or risk being sent back.

On May 13, for example, Burmese troops shelled Salween camp, forcing its 200 residents and the 175 residents of nearby Saw Hta camp to cross the river into Thailand. Fearful of approaching the local authorities, the groups lived in the jungle for about two weeks. Many got sick and two people died, before the students felt it was safe to return to the Burmese side.

Cross-Border Aid Pulls Together From January to April, the student population on the border dropped from about 4,500 to about 3,000, as people found their own way home, were repatriated through Tak and Ranong, or slipped into Thailand. Despite the reduced

numbers, aid groups based in Thailand remained concerned at the erratic assistance that was being provided. In May, armed with about $50,000 in initial pledges from international sources, several non-governmental relief groups organized the Burma Coordinating Group (BCG). They established several immediate objectives:

--To cover approximately 50 percent of all costs for food and shelter in the student camps within a budget of $15,000 per month for a minimum of eight months.

--To encourage maximum responsibility for the program by the students themselves. Arrangements were made with the ABSDF to provide monthly reports of supplies received and needs.

--To coordinate with Medicins Sans Frontieres (MSF), a French relief organization, which had pledged to provide about $2,000 in medical supplies per month.

BCG participants agreed that each organization would agree to raise funds individually but share them in a common program. It was expected that at least a portion of the remaining needs for food and medical supplies would be met by the ethnic minorities, Burmese expatriate groups, or ad-hoc private contributions, a relief official told USCR.

The BCG structure and operating philosophy appears to promote accountability within a fluid, even unstable, environment. Participating agencies do not deliver supplies directly to the student camps but instead channel resources to the ABSDF through one of two Burmese expatriate groups.

The ABSDF, which was formed in November 1988, is responsible for monitoring distribution of food and medical supplies and identifying needs for the next month.

ABSDF leaders say that while the need for more food and medicine continues, BCG aid has helped to promote communication and better cooperation among the camps, and to provide incentive for setting priorities and managing resources.

But despite the welcome improvements that BCG has brought to the cross-border assistance effort, both the students and relief officials acknowledge that large questions loom just ahead: With current BCG funds exhausted in August, where will new contributions come from, and will they be sufficient to maintain even the present, inadequate level of aid? How much longer will the Thai government permit cross-border aid to continue, given its desire to maintain cordial relations with Rangoon? And what can be done to serve the equally needy refugee and displaced person populations now mostly beyond the reach of BCG assistance?

Tens of Thousands of Minorities Displaced by Burmese Army Persecution "It is too bad," said a British health worker USCR encountered in the Karen village of Minthamee, "that so many people walk right through here to the student camp, then walk right through on their way back out again." To stop and listen is to hear the story of the Karen's 40-year struggle for autonomy, minority rights, and an end to military oppression.

Minthamee is deep in Karen territory and has never been attacked by the Burmese army. But from villages closer to the center of the country emerge accounts of long-standing and widespread abuse. "They come into town, they say you are rebels, and they destroy," said one man, echoing the stories told by countless others. Men are killed or hauled off to serve as porters for the army, women are beaten and raped, children are orphaned, crops are seized and houses burned to the ground.

In the district of Mergui-Tavoy, where Minthamee is located, 2,366 people have been displaced by army aggression, according to Ba Thaung, a local KNU official. More than 900 are children under 12. "These statistics were recorded two years ago," he told USCR. "The population is probably up now. We try to help with donations of rice and clothing, but villagers also help each other."

Counting all eight districts in Kawthoolei, 32,323 Karen civilians have been displaced, according to KNU statistics.

More than 6,400 Mon refugees have migrated to areas near Three Pagoda Pass to escape Burmese government oppression. "We've suffered a lot from government activities," said Nai Hon Hla, vice-chairman of the New Mon State Party. "Property is confiscated, people are arrested and killed, or they are taxed so heavily they can't afford to stay."

Farther to the north, in territory

"THE WAR IS GROWING WORSE AND WORSE"

The following is excerpted from a letter written by Esther Saw-Lone, a Karen schoolteacher in Minthamee township.

The war between the Karen and the Burmese Military Government is growing worse and worse each year. Today there are 610 students with 24 teachers and two office staffs in my school and about 70% of the students are the children who came from the frontier villages where fighting frequently occurred.

I've recorded the background history of every student. 24% of these students lost one of their parents. 18% of them are orphans...When the Burmese troops enter a village they first shoot the villagers who tried to escape. Then they arrested villagers and made false accusations on them. After that they tortured and killed them. They destroy the fields of crops planted by the villagers and eat their grain and livestock. They captured villagers and made them to carry heavy loads as porters for the Burmese soldiers. They even force the pregnant women to be porters.

...By nature, Karen are simple, quiet, unassuming and peace loving people. We do not want to kill or to be killed. We hate war. But we have been coerced to fight for our very existence and survival.

The Burmese military Government not only has practised the tactics of annihilation, absorption and assimilation upon the Karen but also upon the other nationalities such as Kachin, Karenni, Lahu, Mon, Pa-O, Pa-laung, Shan, Wa, and Arakanese.

Life in this malaria infected area is very hard for the children...Many have already died from malaria and other serious illnesses. [There is a] lack of food and medicine so the children cannot avoid illnesses. How can they enjoy life when sickness knocks at their door all the time?

Thus, I beg all the human rights organisations...to draw attention to this case and urge the Burmese military Government to end the Frontier war and bring peace to Burma.

claimed by the Karenni National Progressive Party, up to 4,000 people have been displaced by recent Burmese army attacks, according to Abel Tweed, KNPP foreign minister.

Another 2,000 Karenni refugees have fled into Thailand in the vicinity of Mae Hong Son, a town popular with tourists for its hilltribe treks. Included in this figure are about 700 people, now camped in makeshift shelters along the Pai River, following a July 9 attack on their village of Huay Hai, straddling the Thai-Burma border.

On July 17, Mr. Boon Tsong Moi Thoo, coordinator of the Nam Pai Refugee Committee, sent out an urgent appeal for emergency aid. The group is "urgently in need of materials for shelter from the rains, food, and medicine for malaria and stomach diseases," the letter said.

<u>20,000 Karen in Thailand Since 1984</u> The only refugee group from Burma to enjoy any kind of long-term asylum in Thailand is the 20,000 Karen living in nine camps along the Thai side of the Moei River. Although the Karen have not been granted refugee status, Thai authorities have permitted a modest level of international assistance to the camps, most of which were established in 1984, following particularly intense Burmese army offensives against the Karen.

Most of the aid to the Karen camps is given by the Consortium of Christian Agencies (CCA), a group of seven religious relief organisations. Contributions also come from International Christian Aid and the Catholic Office for Emergency Relief and Refugees.

Medical supplies are provided by MSF. All relief aid is distributed through the Karen Refugee Committee.

The Thai government "has a long-standing policy not to allow any refugees to settle in Thailand and does not wish the agencies to operate any programs which might either encourage refugees to stay any longer than necessary, or to attract new refugees to come," said a report by a CCA member-agency.

The Karen have been discouraged from establishing high-schools and from taking employment outside the camps. Small shops and gardens are in evidence in the camps, but any kind of large-scale enterprises is prohibited.

In the last two weeks of July, Tak pro-

vincial officials undertook a population survey in all of the Karen camps, which prompted some speculation that Thailand might be planning to exert more control over movement in and out of the camps.

"They've never done a registration before," said Phu Wah Kho, chairman of Mae Ta Waw camp. "They want to make a list of official refugees, then no one else will be able to come in." He told USCR that he didn't want to comment on "whether this is a good thing or not" and referred the question to "higher authorities."

At KNU headquarters in Manerplaw, Karen leader Gen. Bo Mya said he had been informed by Thai authorities that "there is nothing to fear" about the registration. "They just want to count numbers," he told USCR, but admitted he was "not very certain" whether this might mean stricter policies regarding new arrivals.

Burmese Students in Thailand are Also Vulnerable All of the Burmese groups--students on the border, minorities displaced in Burma or encamped in Thailand--have special vulnerabilities but each can find some strength in numbers and organizational unity. The estimated 1,000 Burmese students in Thailand are not only scattered in a dozen towns and cities throughout the country, but are generally lacking a common focus or source of support.

Their options are stark and few. "They are on their own," said Thant, "and face the choice of either living in the jungle to face possible army attack, malaria and terrible living conditions or finding their way to Bangkok, risking arrest and detention and trying to survive without money or knowledge of the Thai language."

Some have come into Thailand temporarily to rest and recuperate from the ordeals of border life and plan to go back to the student camps. Others, for political or personal reasons, do not wish to return to the border. Some have found jobs in sawmills or factories, working illegally for about half of the legal minimum wage. About 100 or so, according to Thant, have approached UNHCR and other agencies in Bangkok, seeking financial assistance and, in some cases, legal advice on asylum and immigration.

A UNHCR official told USCR that about 40 or 50 students had come into the agency's Bangkok offices in the last six months. In some cases, students have been given "mandate refugee status" in the form of a letter which states that the bearer has presented credible evidence of a well-founded fear of persecution in his or her country. The official said it was unclear whether the UNHCR letter had carried any weight with Thai authorities.

UNHCR has also made grants of 1,000 Baht ($40) in emergency assistance to a number of students, the official said, but indicated that his preference was to find some way to assist students without encouraging them to come to Bangkok, where the cost of living is very high, as is the risk of arrest.

In February, three Burmese students in Thailand sought help at the US Embassy in Bangkok, according to Thant, but were sent to UNHCR. Further inquiries in March and April brought discouraging responses. "We were told, in effect, that the United States did not have any policy for Burmese in Thailand," Thant said.

Since that time, the Embassy has developed a policy of sorts. In early August, a U.S. refugee official told USCR that Burmese students have been issued "one or two" nonimmigrant visas and "only in extraordinary cases," parole. In July and August, the Immigration and Naturalization Service approved three Burmese cases for parole.

"At this point," the official said, "the U.S. envisions no refugee program for Burmese" but indicated that UNHCR has asked for consultations on the issue.

Aid and Asylum Remain the Most Urgent Needs Although the future of cross-border aid remains very uncertain, there are some encouraging signs. Several relief agencies in Thailand, previously not involved on the border, have expressed interest in providing humanitarian support. US officials confirm they are discussing possible options for assistance. And each house of Congress has passed an amendment to foreign affairs legislation to authorize humanitarian assistance to Burmese on both sides of the border.

Meanwhile, even if Thai policy continues to treat Burmese students as illegal immigrants, there is little question that they cannot go home safely. On May 18, the Burmese government's State Law and Order Restoration Council announced that all re-

turning students are subject to long prison terms. Those who continue political activities after their return will be sentenced to death.

An unclassified August cable from the U.S. Embassy in Rangoon said, "Although unconfirmed accounts of torture of political prisoners have been widely circulated for weeks, we now have credible, first-hand reports that torture, beatings and mistreatment are commonplace and that in some instances death has resulted. These reports relate accounts of cigarette burns, beatings resulting in severe eye and ear injuries, and electric shocks to the genitals."

The State Department cable also said that the Burmese army continues to seize people around the country for porter duty. The cable recounted one incident "in which about 500 men, whom the eyewitness judged from appearance to be of the educated class, but older than students, were crowded into a central area before being taken away for porter duty in Kachin State. The men were tied together, some naked, others in their underwear, and were taunted by soldiers shouting, 'You were yelling for democracy last year. Why aren't you yelling now?'"

THE U.S. COMMITTEE FOR REFUGEES

REPRINT

THE WASHINGTON POST — FRIDAY, OCTOBER 6, 1989

Europe's Migrants Swell Refugee Wave

Millions Across World Are Seeking Asylum

By Don Podesta
Washington Post Foreign Service

While the thousands of East Germans who have fled to the West have had to leave behind homes, jobs, cars and loved ones to pursue their desperate bid for a new life in the West, they can be considered fortunate among the world's millions of refugees: They are wanted.

They will automatically be received into West German society as citizens and will be aided in finding homes and work. But in refugee camps from Sudan to Hong Kong, a different drama is playing itself out.

This should have been the year some of the world's millions upon millions of displaced people could begin thinking about going home.

Wars in Angola, Afghanistan, Cambodia, Nicaragua and the Persian Gulf either wound down significantly or ended. Vietnamese, Soviet and Cuban troops involved in three of these conflicts were withdrawn. U.S. military support for Nicaraguan rebels came to an end.

Yet there are more refugees seeking asylum than ever: By some counts there are more than 15 million people languishing in camps from Central America and the Horn of Africa to Pakistan and Thailand—and now, also in the courtyards of West German embassies in Eastern European capitals, adding up to one of the greatest migrations of people in the world's history.

"We in the refugee field haven't seen the benefits of the end of regional conflicts," said Roger Winter, director of the U.S. Committee for Refugees, a nonprofit organization headquartered in Washington.

One exception is Namibia, where in June the first of more than 41,000 political exiles began returning home as a result of a U.S.-brokered regional peace agreement, the biggest refugee airlift ever conducted by the United Nations.

In the last decade, the world may have become inured to Third World refugees. But this year's wave of European emigres—100,000 Soviets, 45,000 East Germans, 300,000 Bulgarian Turks, 230,000 Poles, 20,000 Romanians—form something that has not been seen since the great European migrations at the end of World War II.

In many ways, the sudden outpouring of East Europeans heading West serves to partly explain why reduced conflict has not led to relief for the world's refugees. If anything, the reduction of East-West tensions, which contributed to many of the regional conflicts, and the accompanying birth of more open political systems in formerly rigid dictatorships such as Poland, Hungary and the Soviet Union, have contributed to the mass movement of people as barriers to emigration have come down.

Where a few years ago the word "refugee" evoked images of an emaciated Ethiopian child seeking relief from drought and famine in a dusty desert camp, today's refugee is as likely to be seeking better economic opportunities or political liberty as fleeing war or natural disaster.

Indochina offers a particularly graphic example of how the nature of refugees and the world's response to them has changed in the past decade.

Since Communist victories in Vietnam and Cambodia in 1975, Southeast Asia has been flooded with refugees—Cambodians fleeing the horrors of the Khmer Rouge regime and later the Vietnamese invasion, and Vietnamese "boat people."

Soon after the wave began, the countries in the region, in consultation with Western nations, adopted a "first-asylum" policy, under which no refugees fleeing communism would be turned away. The West, for its part, agreed to a massive program to resettle the refugees in other countries. Thailand, as the closest point of escape for most Indochinese refugees, bore the brunt of the first-asylum policy but also benefited from large infusions of U.N. aid and other humanitarian assistance.

About two years ago, things began to change. Western countries had taken most of the refugees they wanted to resettle—former employees of the U.S. or South Vietnamese government, ethnic Chinese entrepreneurs, skilled professionals fleeing communism—and they reduced their intake.

At the same time, the nature of the refugees themselves began to change. Now from Vietnam, there are fishermen and farmers who were not necessarily escaping political persecution but looking for a better life economically. An increasing number of boat people are now coming from northern Vietnam.

The Southeast Asian nations coined a term for the new reluctance by the West to continue accepting refugees: "compassion fatigue."

Faced with this change of attitude by the West, Southeast Asian nations have decided that their policy of granting first asylum has become untenable. The refugees kept coming, with a new wave beginning in 1987, but fewer and fewer were being resettled elsewhere. In the spring of 1987, Thailand became the first country to challenge the first-asylum agreement by adopting a policy to push boats laden with refugees back out to sea. Indonesia followed suit, and there are reports that Malaysia is quietly doing the same.

One result of Thailand's rolling up the welcome mat has been a marked shift in the patterns of refugee movements, with increasing numbers of boat people arriving in the British crown colony of Hong Kong and in Japan.

Britain and Vietnam have held talks on the issue of sending refugees back to Vietnam. Hanoi has refused to take back any refugee who does not volunteer to return, a position that the U.S. government has supported.

British and Thai officials have accused the United States of hypocrisy, pointing to U.S. interdiction of Haitian boat people and deportation of illegal immigrants from Mexico and Central America.

"We couldn't take the moral high ground because our own skirts were dirty," said Winter, of the U.S. Committee for Refugees.

Among Japanese, unaccustomed to immigration, the surge in refugees has stirred fears that the country will be overrun. It has caused the government for the first time to adopt a screening process under which refugees with only economic motives will be repatriated.

And it has caused conflict between Vietnamese-speaking boat people and young Chinese laborers who have boarded Vietnamese boats in hopes of finding work in prosperous Japan. The two groups have clashed in overcrowded refugee centers, and Japanese officials have segregated them.

According to officials in the Japanese Foreign Ministry and the prime minister's office, 34 boatloads carrying 3,181 people reached Japan as of the end of September. Only 219 boat people came in all of 1988.

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AFRICA

ALGERIA: 167,000
Western Sahara 165,000
Others 2,000

ANGOLA: 24,500
Namibia 2,000
Zaire 12,500
S. Africa 10,000

BURUNDI: 76,500
Rwanda 66,300
Zaire 9,600
Uganda 400
Others 200

DJIBOUTI: 32,000
Ethiopia 2,000
Somalia 30,000

ETHIOPIA: 700,500
Somalia 350,000
Sudan 350,000
Others 500

KENYA: 10,600
Uganda 5,600
Ethiopia 2,300
Rwanda 2,000
Others 800

MALAWI: 720,000
Mozambique 720,000

RWANDA: 20,600
Burundi 20,600

SENEGAL: 63,200
Mauritania 58,000
Guinea-Bissau 5,000
Others 200

SOMALIA: 365,000
Ethiopia 365,000

SOUTH AFRICA: 200,000
Mozambique 200,000

SUDAN: 690,000
Ethiopia 660,000
Chad 23,000
Zaire 5,000
Uganda 2,000

SWAZILAND: 70,700
Mozambique 64,000
South Africa 6,700

TANZANIA: 264,200
Burundi 154,000
Mozambique 72,000
Rwanda 21,000
Zaire 16,000
Others 1,200

UGANDA: 125,500
Rwanda 118,000
Sudan 5,000
Zaire 1,000
Others 1,500

ZAIRE: 325,700
Angola 298,700
Rwanda 11,000
Burundi 10,000
Others 6,000

ZAMBIA: 131,700
Angola 97,000
Mozambique 20,000
Zaire 9,000
South Africa 3,200
Others 2,500

ZIMBABWE: 177,000
Morambique 176,500
South Africa 500

EAST ASIA AND PACIFIC

HONG KONG: 55,087
Vietnam 55,087

MALAYSIA: 103,743
Philippines 82,000
Vietnam 21,743

PHILIPPINES: 27,124
Vietnam 26,126
Laos 703
Cambodia 295

THAILAND: 436,560
Laos 77,675
Burma 21,043
Cambodia 320,926
Vietnam 16,916

VIETNAM: 25,000
Cambodia 25,000

EUROPE

AUSTRIA: 15,700
Hungary 5,000
Poland 3,900
Czechoslovakia 2,700
Romania 2,200
Others 1,900

HUNGARY: 20,000
Romania 20,000

ITALY: 13,000
Others 13,000

TURKEY: 600,000
Bulgaria (ethnic Turks) 300,000
Iran 250,000
Iraq 50,000

WEST GERMANY: 420,000 expected
East Germany 90,000
Poland, Romania and Soviet Union (ethnic Germans) 330,000

LATIN AMERICA/CARIBBEAN

COSTA RICA: 41,000
Nicaragua 33,000
El Salvador 6,000
Cuba 2,000

DOMINICAN REPUBLIC: 6,000
Haiti 6,000

HONDURAS: 37,000
Nicaragua 23,300
El Salvador 13,300
Guatemala 400

MEXICO: 164,400
Guatemala 43,000
El Salvador 120,000
Others 1,400

MIDDLE EAST AND SOUTH ASIA

GAZA STRIP: 469,385
Palestinians 469,385

INDIA: 294,320
China (Tibet) 100,000
Sri Lanka 91,500
Bangladesh 96,000
Afghanistan 5,180
Iran 1,440
Burma 200

IRAN: 2,950,000
Afghanistan 2,350,000
Iraq 600,000

IRAQ: 75,000
Iran 75,000

JORDAN: 899,811
Palestinians 899,811

LEBANON: 294,272
Palestinians 294,272

PAKISTAN: 3,647,000
Afghanistan 3,622,000
Iran 25,000

SYRIA: 272,778
Palestinians 272,778

WEST BANK: 398,391
Palestinians 385,630

YEMEN ARAB REPUBLIC: 50,000
PDR of Yemen 45,000
Others 5,000

SOURCE: World Refugee Survey

For the Vietnamese, the trip is an arduous, 2,000-mile journey risking pirates and storms on the open sea. About 80 percent of the arrivals have come to Japan on their own, with the others picked up by ships on the way.

Japan, which has accepted fewer than 7,000 Indochinese refugees since the end of the Vietnam war, has said that it will allow the total to rise to 10,000, providing the new immigrants are genuine refugees under U.N. definitions. But its processing centers, intended to offer six months of instruction in Japanese language, are suddenly woefully understaffed and crowded.

Japan is not alone in its reluctance to admit refugees from alien ethnic groups.

In the United States, "East Europeans and Soviets are on the front burner now and there is a great deal of interest in accepting them," Winter said. "But who cares about Somalis who have gone to Ethiopia?"

West Germany greets all immigrant ethnic Germans—whether East Germans or people of German ancestry from Poland or the Soviet Union—with up to $125 each in "welcome money" and low-cost loans of up to $5,000 per family to get started. All are eligible for normal unemployment or welfare and state-supported health insurance benefits.

If they are retired, they receive the same pension as if they had worked in West Germany all their lives; thus a Polish ethnic German who retired after working 35 years as a mechanic in Poland receives the same pension as if he had worked all those years at the same job in West Germany.

But non-German asylum-seekers—mostly Poles, Yugoslavs, Turks and Iranians—don't enjoy those benefits. Many of them must work in black market jobs while waiting—typically for several years—for a decision on whether they are to be granted political asy-

lum. Only about 9 percent ever receive asylum; the rest are classified as people merely trying to improve their economic status and technically are supposed to be expelled from the country, although in practice this does not happen often.

When international laws covering refugees were written in 1951, most of those heading for Western Europe or America were Europeans. But with modern transportation and regional wars in many parts of the Third World, refugees are traveling to the West from farther away and most of them are not white. This, in Winter's view, helps account for the West's increasing reluctance to continue accepting refugees.

"You start to get a decreasing receptivity to refugees," Winter said. "Governments are backing away from the system they created."

As a result, contributions to organizations that care for refugees, such as the International Red Cross and the U.N. High Commissioner for Refugees (UNHCR), are down, in relative terms, just when the need is greater than ever.

The U.N. deputy high commissioner for refugees, Eugene Dewey, said budgetary pressures have forced the agency to cut back on all but "survival items" for refugees. The number of exiles cared for by the agency has risen 40 percent over the past three years with victims up 700,000 in the last year alone.

But contributions are up only 17 percent since 1986, Dewey said, adding that UNHCR may face a $40 million deficit by the end of the year.

"We've had to retrench. We've had to cut out almost everything except survival items, care and maintenance," Dewey said. "This is tragic because it has cost us our investment programs in education and training, which have some chance of getting refugees out of this dependency syndrome."

But despite the increase in migration for economic reasons, the bulk of the world's refugees are fleeing their native lands not to search for better jobs or more money or even political freedom. Most of the 4 million refugees in Africa, the 5 million Afghans encamped in Pakistan and Iran and the hundreds of thousands of displaced Central Americans have fled for a much simpler reason: to stay alive.

Often, that is all they achieve; conditions in many camps around the world are hellish.

Camps in Malawi, South Africa and Zambia for 1 million Mozambicans fleeing the 14-year-old civil war in their country offer nightmarish scenes: children with bloated bellies and pencil-thin arms crawling through the dust in search of shade or beetles to eat, and adults wearing bark peeled from trees, clamoring around a relief plane's whirring propellers for sacks of grain tossed out the door.

Afghan refugees, who represent fully a third of their country's population, also are a third of the world's refugees. Many of them have been in camps in Pakistan and Iran for all of the 1980s.

Sanitary conditions in the camps are poor even by South Asian standards; diseases associated with malnutrition are chronic, and morale is generally low. More than 75 percent of the refugees are women and children, most of whom have not been home since leaving Afghanistan. A third of the children have been born and raised in the camps, according to the United Nations.

"The situation of the women has been particularly difficult due to the fact that Afghan culture and traditions strictly discourage contact between women and outsiders," a recent U.N. report said. "Most women have been confined . . . in their shelters with very little social contact. In many cases this has resulted in psychological depression and despair."

But the irony is that 10 years of war and international administration of the camps has led to another kind of distortion of the Afghan experience: Refugees now receive more and better services in the squalid Pakistani camps—health, education, and food—than they would in most areas of Afghanistan, where the war-torn countryside is generally devoid of civil administration.

Aid officials worry that they are a long way from being able to promise the refugees a better life if and when they go home.

And for many of the world's refugees, there is no guarantee that they will ever go home. Palestinian refugees now number nearly 2 million in Lebanon, Jordan and the Israeli-occupied Gaza Strip and West Bank, and many of these have been in camps for more than 40 years with no end to their displacement in sight.

Washington Post correspondents abroad contributed to this report.

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